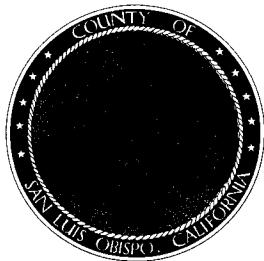


COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Planning and Building		(2) MEETING DATE February 7, 2006		(3) CONTACT/PHONE Steven McMasters, Senior Planner (805) 781-5096	
(4) SUBJECT Hearing to consider an appeal by Mission Gardens Estates of the Planning Commission's approval of a request by Mission Gardens Estates for a Vesting Tentative Tract Map and Conditional Use Permit for Tract 2527. Supervisorial District 1					
(5) SUMMARY OF REQUEST A Planning Commission hearing was conducted on November 10, 2005, to consider Vesting Tentative Tract Map and Conditional Use Permit for Tract 2527 to subdivide three existing parcels totaling 50.55 acres into: 59 residential parcels, one buildable open space parcel, one non-buildable open space parcel and a remainder lot. Illegal grading associated with the project resulted in significant impacts to cultural resources and the approved conditions of approval require mitigation for those impacts. The applicant appealed the Planning Commission's decision alleging that the conditions related to the impacts to cultural resources are excessive. The project is within the Residential Single Family land use category and is located approximately 480 feet south of 11 th St., east of and adjacent to the Union Pacific Railroad tracks, in the community of San Miguel. The site is in the Salinas River planning area.					
(6) RECOMMENDED ACTION <ol style="list-style-type: none"> 1. Certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Adopt the resolution affirming the decision of the Planning Commission approving Vesting Tentative Tract Map (Tract 2527) and Conditional Use Permit based on the findings listed in Exhibits A and C and the conditions listed in Exhibits B and D 					
(7) FUNDING SOURCE(S) Existing Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Public Works, San Miguel Community Services District, APCD, California Department of Fish & Game					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, 2nd, 3rd, 4th, 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est 45 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW	<div style="font-size: 2em; font-family: cursive;"> JK Leslie Bm </div> <div style="font-size: 2em; font-family: cursive; position: absolute; right: 0; bottom: 0;"> C-7 2-7-06 </div>
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: STEVEN McMASTERS, SENIOR PLANNER
VIA: ELLEN CARROLL, ENVIRONMENTAL COORDINATOR
DATE: FEBRUARY 7, 2006

N for EC

SUBJECT: HEARING TO CONSIDER AN APPEAL BY MISSION GARDENS ESTATES OF THE PLANNING COMMISSION'S APPROVAL OF A REQUEST BY MISSION GARDENS ESTATES FOR A VESTING TENTATIVE TRACT MAP AND CONDITIONAL USE PERMIT FOR TRACT 2527 (SUPERVISORIAL DISTRICT #1)

RECOMMENDATION

1. Certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Adopt the resolution affirming the decision of the Planning Commission approving Vesting Tentative Tract Map (Tract 2527) and Conditional Use Permit based on the findings listed in Exhibits A and C and the conditions listed in Exhibits B and D

SUMMARY

During Summer 2003, the project site along with adjacent properties not owned by the applicant were illegally graded in anticipation of the proposed subdivision. The properties contained significant Mission era resources associated with Mission San Miguel that were seriously impacted by the illegal grading. An EIR was prepared to address these impacts, along with impacts resulting from the proposed project and mitigation measures were developed. These measures were included in the conditions of approval that were adopted by the Planning Commission on November 10, 2005. The applicant filed an appeal of that action due to the cost of the mitigation for impacts to cultural resources.

Since the Planning Commission Hearing, an alternative mitigation approach has been raised that has the potential to provide valuable information and adequate mitigation at a lower cost. This approach is discussed below following the appeal issues discussion.

DISCUSSION

A Planning Commission hearing was conducted on November 10, 2005, to consider Vesting Tentative Tract Map and Conditional Use Permit for Tract 2527 to subdivide three existing parcels totaling 50.55 acres into: 58 residential parcels ranging from 5,360 square feet to 12,500 square feet, one residential parcel of 4.75 acres, one 11.16 acre open space parcel with a 6,000 square foot building envelope, for the purpose of sale and/or development, and one non-buildable open space parcel of 20.22 acres and a 2.43 acre remainder lot.

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The project includes off-site road improvements and also includes rectifying illegal grading that occurred in 2003. The project will result in the disturbance of approximately 13 acres of a 50.55 acre parcel and 30,000 cubic yards of cut and fill. The division will create four on-site roads.

The proposed project is within the Residential Single Family land use category and is located approximately 480 feet south of 11th St., east of and adjacent to the Union Pacific Railroad tracks, in the community of San Miguel. The site is in the Salinas River planning area.

The submittal of the Mission Gardens Estates Tract Map application coincided with the discovery that the project site had been graded without authorized grading permits or tract improvement plan review or approval. The grading also affected two adjacent parcels owned by the Diocese of Monterey. The area that was graded (both on the subject property and the adjacent parcels) included significant cultural resources associated with Mission San Miguel – primarily the remains of the neophyte (Native Americans brought into the mission system) quarters, and the mission orchard.

The neophyte quarters were a series of connected adobe dwellings built in a quadrangle around an open courtyard. The southwest corner of the quadrangle was “anchored” at the northeast corner of the existing mission church and quadrangle. Based on historical records the neophyte dwellings were constructed in 1805 and 1806 and totalled 74 dwelling units. The illegal grading had impacted, to varying extent, the entire east wing of the neophyte quarters constituting 31 of the 74 dwellings.

Due to the impact to cultural resources as a result of this illegal grading, as well as the potential impacts to these resources from the proposed subdivision, an Environmental Impact Report (EIR) was prepared for the project. Mitigation measures were recommended in the EIR, and were included as conditions of approval. Among these conditions is a measure that requires monetary compensation (in the form of a fund) for the resources destroyed as a result of the illegal grading. Because the information contained within these resources was lost as a result of the grading, the fund would provide a means for additional study or preservation as compensation for the destroyed resources.

The total of the compensation was based on what the cost of the mitigation would have been, if the project had proposed to disturb the area and incumbent resources found in that area. This mitigation would have been in the form of a “sample” of the affected resources, and the size of the “sample” would have been based on the rarity and importance of the affected resource. The fact that the resource is related to one of the original California Missions, and related to Native American life within the missions (an area of a distinct lack of study and opportunities) makes the resource of the utmost importance and rarity in the state. This resulted in the recommendation of the maximum sample size (100%) and a related extremely large cost (estimated at \$1.8 million). Even with this mitigation, the EIR concluded that due to the extreme rarity of the resource, and the fact that destruction of portions of the resource occurred without any opportunity to evaluate or mitigate the resource, significant impacts had occurred to cultural resources as a result of the project.

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The Planning Commission approved the project including the recommended mitigation fund, with findings of overriding considerations as required when an unavoidable significant impact occurs.

On November 23, 2005, the Planning Department received an appeal of the Planning Commission. The appeal was submitted by the applicant and was accompanied by copies of letters from the appellant and their consulting archaeologist that raise various issues. Issues raised in the appeal and the attachments are discussed below, but all are related to the impacts on cultural resources and resulting mitigations.

APPEAL ISSUES

Issue 1 – The archaeological (cultural) resource in question was not destroyed, only uncovered.

Staff response: *The field evaluations conducted by the consulting archaeologists determined that there was major damage to significant cultural resources. The County retained the cultural resource management firm of Greenwood & Associates to assess the resource that had been impacted and the extent of the damage. A surface reconnaissance was conducted with specialists in several disciplines and a licensed surveyor (Vaughan Surveys). The surveyor's role was to establish the property boundary, plot exact locations of features (such as exposed interior walls, footing and hearths) and take readings to establish the area and extent of the disturbance. This included surveying the elevations in the graded area.*

The results of the reconnaissance identified that the grading had impacted nearly the entire eastern wing of the neophyte quarters, though the grading had resulted in differential levels of damage to various sections of the building. Comparisons of elevations from the topographical survey prepared before the grading with the elevations after the grading allowed the archaeologists to identify how much material was removed during the grading and pushed over the slope onto the applicant's property. Evidence showed that adobe bricks in situ above the stone foundations were broken, dislodged, and tumbled down the slope, along with tiles, artifacts and faunal remains that had been within the rooms.

Clearly, some undisturbed archaeological deposits still exist in the disturbed area of the site, while other portions have been damaged more extensively. The Greenwood analysis made clear that while not all parts of the neophyte residence wing were completely destroyed, portions were graded down to floor level in some areas and were damaged less in others.

Issue 2 – The calculation of the estimate for the mitigation is excessive both in the area affected and the cost per cubic meter.

Staff Response: *The calculation of the area of disturbance was performed by the consulting archaeologists in conjunction with a licensed surveyor. A key duty of the surveyor was to assist in accurately identifying the extent of the disturbance (and the location of the resources), along with establishing elevation points within the disturbed area. These elevations were then compared with the elevations from the topographical survey prepared before the grading occurred. The results of this revealed that an area of the Diocese property for a distance*

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(north/south) of approximately 560 feet was disturbed, with a minimum width of 48 feet (east/west). As noted the depth of the grading was variable with the deepest being approximately 30 inches. Historic documents and other studies allowed the identification of the dimensions of the neophyte wing and the rooms within the wing. This allowed an accurate estimate of the area and volume of material disturbed within the boundaries of the remains of the Mission structures. Greenwood & Associates was able to estimate that some disturbance had occurred to 31 rooms along the east wing. Because the depth of the grading varied, the damage to the resources associated with the individual wings also varied. The 10-12 neophyte quarters that the appellant identified had been "uncovered" were in fact the areas where the deepest cuts had been made. These were the locations where the damage was the greatest with all the cultural resource bearing material above the foundations and hearths removed and pushed downslope...only the bottom layers of the resource remain and these were the visible elements.

The cost of the mitigation excavations was based on the actual costs of the test excavations performed at the site. Due to the complexity and range of resources present, several experts were involved in the field work and analysis.

Issue 3 – The affected resource had been previously impacted and little damage was done from the grading.

Staff Response: A review of the historical photographs and documents does not indicate extensive impacts from previous uses. The appeal includes a letter from an archaeologist that disputes the conclusions of the EIR regarding the integrity and the value of the affected resource. The archaeologist referenced aerial photos presented during the applicant's presentation at the Planning Commission that show past development (especially during World War II) on the Diocese property, and concluded that this development had done more damage to the neophyte quarters than the illegal bulldozing. He also concluded that the information garnered during the past cultural resource investigations have yielded all the information that the site has to offer. Greenwood & Associates archaeologists, as well as Dr. Robert Hoover (Cal Poly Professor Emeritus, Archaeology) have evaluated the aerial photos in regards to the location and extent of the neophyte quarters in relation to these past developments. Their shared conclusion is that the historical and archaeological information places the neophyte quarters at the extreme perimeter of the parcel owned by the Diocese of Monterey. These structures created wings around an open courtyard that likely accommodated a number of activities, but would not likely yield an abundance of archaeological resources. Based on the historic aerial photographs, it is obvious that this subsequent development occurred in this center "courtyard" area and would not have resulted in impacts to the remains of the neophyte quarters. In fact, the illegal grading itself provided evidence that the subsequent development was not a factor in the area that was disturbed. While very little recent (e.g. WWII era) material was evident in the graded area, large amounts of Mission era material was disturbed and spread throughout the site and is an indicator of the high concentration of cultural material within the graded area.

Issue 4 – The cost of the mitigation exceeds the limits established by the Public Resources Code Section 21083.2.

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Staff Response: *The County use the appropriate criteria for evaluating impacts to cultural resources in the State CEQA guidelines which effectively supercedes the limits in Public Resources Code (PRC) § 21083.2. PRC § 21083.2 was for many years the guiding provision in CEQA for assessing impact to archaeological resources. This statute provides a definition for "unique archaeological resources" (PRC § 21083.2(g)) and provided limits on the provision of mitigations for impacts to "unique archaeological resources" (PRC § 21083.2(e)). In 1999, the State CEQA Guidelines were revised to update the process for determining impacts to archaeological and historic resources (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15064.5). This section reflected changes associated historic resources required by court decisions, provided for a definition of "historic resources", and provided direction on determination of a significant effect on historic resources and evaluation of archaeological resources.*

In practice, the process laid out in Guidelines Section 15064.5 requires application of the criteria found in that section to determine if a cultural resource qualifies as a "historic resource". If so, the resource impact evaluation and mitigation development would proceed within the guidance of the rest of that section. The criteria listed in the Mission Gardens EIR are the criteria from Guidelines Section 15064.5(a), and the ones applied in the evaluation. Due to the importance and rarity of the resource, the neophyte quarters remains would qualify as a historic resource under three of the four criteria listed in Guidelines Section 15064.5(3) including:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage – (the founding and operation of Mission San Miguel and the role of the Native American's at that Mission.)*
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values – (example of Mission adobe construction including building layout and function.)*
- (D) Has yielded, or may be likely to yield, information important in prehistory or history – (the role of the Native Americans at Mission San Miguel including everyday life, diet, etc.)*

Section 15064.5(c) further states:

CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).

*(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and **the limits contained in Section 21083.2 of the Public Resources Code do not apply.** (emphasis added)*

In short, if the cultural resource is determined to be a historic resource per the criteria found in the State Guidelines the limitations on the cost or type of mitigation in PRC § 21083.2 does not apply. This is the case with the archaeologic and historic resources impacted by the project.

CEQA

Issue 5 – The Planning Commission approved conditions ignore mitigation proposed by the applicant - limited funding for establishment of a Salinan Indian museum.

Staff Response: *The Planning Commission did not ignore the applicant proposed “alternative mitigation”. The mitigation that would be funded by Condition 46 would not exclude such an endeavor, if it was proposed in an appropriate and professional manner. The use of the funds required in Condition 46 must have a “nexus” with the resource impacted by the illegal grading. The condition requires that uses or studies funded by these monies must be associated with the Native Americans or Native American history associated with Mission San Miguel. Establishing an exhibit or display dedicated to the Salinan Tribe may be an appropriate use of some of these funds, but the display would need to be prepared by a professional and the location housing the display would need to be approved. The County Department of General Services, Parks Division is the owner of the Rios-Caledonia Adobe where the appellant proposed a Salinan display and is responsible for its maintenance up-keep and any alterations of the structure. They were not contacted regarding the applicant’s proposed Salinan museum.*

Issue 6 - The applicant should be given credit for all costs to date associated with cultural resources.

Staff’s response: *It is appropriate for a portion of the applicant’s costs associated with cultural resources be “credited” toward the project’s mitigation obligation. The State provides direction regarding the range of activities associated with cultural resource investigations and draws a distinction between survey and site evaluation activities intended to determine whether and to what extent a project location contains cultural resources, and mitigation activities. Costs borne by the applicant related to these survey and evaluation activities would not be credited towards the “mitigation” total and would include surface evaluations and EIR preparation. Subsurface investigations contributed detailed information regarding the site and would count towards the mitigation total. The appellant identifies a figure ranging from \$200,000 to \$214,531 for archaeological work done to date. Since no break down of this figure was provided, it is difficult to determine what is included in this figure, but it undoubtedly includes costs associated with the grading damage assessment, remedial work to stabilize the exposed portions of the neophyte quarters (as a result of the grading) and other evaluation activities. Subsurface evaluations conducted to evaluate the resource impacted on the Diocese property as part of the EIR totaled approximately \$30,000 and could be credited toward the mitigation cost.*

Issue 7 - The findings of overriding consideration should be augmented.

Staff’s response: *Staff has reviewed the additional findings listed by the appellants. The Findings of Overriding Consideration have been revised to include some of the appellants’ suggestions. However, a number of the proposed findings deal with the financial aspects of the project (e.g. cost of the homes, financing, etc.) which are outside the control of the County. While it may be the intention of the applicant to offer certain financial incentives, or offer the homes within a given price range, the project is not an official affordable housing project and there are no conditions of approval that binds the applicant to these provisions. Upon approval*



of the project, it could be developed without these provisions, or sold and developed by others at any price range.

Issue 8 – If imposed as approved by the Planning Commission, the financial obligation of condition 46 (estimated at \$1.8 million) is infeasible given the economic status of the project.

Staff's response: *The cost of the mitigation, especially the establishment of the "fund" in condition 46(c) is substantial. State CEQA Guidelines § 15091 requires that in order to approve a project for which significant impacts could occur, a Lead Agency must make findings regarding these impacts. If mitigation measures are identified in the EIR, they must be adopted unless the Lead Agency determines that they are infeasible for "Specific economic, legal, social, technological, or other considerations....". Staff recognizes that a mitigation obligation of \$1.8 million may not be feasible for a project this size, but we have no specific financial information on which to make that determination. If the appellants claim that the mitigation burden is not feasible, they should provide financial documentation for the record. The Board of Supervisors must then determine, given that information, what level of mitigation is appropriate. If substantiated by evidence in the record, it may be possible that a finding could be made that application of all the cultural resource mitigation is economically infeasible.*

Another option that the Board may wish to consider is the "sample size" upon which the fund is based. The amount of the fund is determined by a "sample size" of the total area and volume of the cultural site that was disturbed. The more rare and important the site, and the information contained within it, the larger the sample size. The recommendations from archaeologists and historians familiar with the site ranged from 25% to 100%. Staff recommended, and the Planning Commission adopted the most conservative sample size of 100%, which totals \$1.8 million. The Board could adopt a smaller sample size (e.g. 50%), which would result in a proportionally smaller "fund" amount.

ALTERNATE MITIGATION OPTION

Since the Planning Commission's action on this project, it has come to our attention that there may be an alternate "tool" in the evaluation and mitigation of the affected resource. This would involve surveying using geophysical technology including: electrical resistance, magnetic field gradient, and ground penetrating radar. This technology would allow mapping and evaluation of the remaining portions of the neophyte complex as partial compensation for the lost information and damage to that resource as a result of the illegal grading. A total mitigation plan would still include some recommended excavations to make up for the smaller components (e.g. food remains, stone tools, beads, ceramics) of lost information.

In general, a comprehensive and robust geophysical evaluation could act as a substitute for a portion of the "sample" found in condition 46(c) and result in a substantial savings in cost. Use of this technology however would require the cooperation and permission of the property owner of the affected resource, the Diocese of Monterey. A substitute condition for 46(c) incorporating this technology as an option will be prepared for the Board's consideration.

OTHER AGENCY INVOLVEMENT

County Counsel reviewed the resolution, findings and staff report as to form and legal effect.



FINANCIAL CONSIDERATIONS

The appeal was processed using the appeal fee collected.

RESULTS

Denial of the appeal and upholding the Planning Commission's action on the Vesting Tentative Tract Map 2527 and Conditional Use Permit would allow the project to develop as approved and conditioned by the Planning Commission. Upholding the appeal and overturning the decision of the Planning Commission would allow the applicant to develop the project under conditions of approval identified by the Board.

ATTACHMENTS

1. Resolution
2. Exhibit A – Findings for Tract 2527
3. Exhibit B – Conditions of Approval for Tract 2527
4. Exhibit C – Findings for Conditional Use Permit / Tract 2527
5. Exhibit D - Conditions of Approval for Conditional Use Permit / Tract 2527
6. Exhibit E – CEQA Findings
7. Appeal letter including attachments
8. Staff report from the June 23, 2005 Planning Commission hearing

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE PLANNING
COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF MISSION GARDEN ESTATES, INC.
FOR CONDITIONAL USE PERMIT S030011U AND
FOR A VESTING TENTATIVE TRACT MAP FOR TRACT 2527

The following resolution is now offered and read:

WHEREAS, on November 10, 2005, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Mission Garden Estates, Inc. for Conditional Use Permit S030011U and for a vesting tentative tract map for Tract 2527; and

WHEREAS, Gordon Marshall and John Belsher on behalf of Mission Garden Estates, Inc. have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 and Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on February 7, 2006, and determination and decision was made on February 7, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should

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be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A, Exhibit C, and Exhibit E attached hereto and incorporated by reference herein as though set forth in full.
3. That the Final Environmental Impact Report prepared for this project is hereby certified as complete and adequate and having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the Board of Supervisors certifies that it has reviewed and considered the information contained in the Final Environmental Impact Report together with all comments received during the public review process prior to approving the project.
5. That the Board of Supervisors certifies that the Final Environmental Impact Report reflects the County's independent judgment and analysis.
6. That the appeal filed by Gordon Marshall and John Belsher on behalf of Mission Garden Estates, Inc. is hereby denied and the decision of the Planning Commission is affirmed and that the application of Mission Garden Estates, Inc. for Conditional Use Permit S030011U is hereby approved subject to the conditions of approval set forth in Exhibit D attached hereto and incorporated by reference herein as though set forth in full.
7. That the appeal filed by Gordon Marshall and John Belsher on behalf of Mission Garden Estates, Inc. is hereby denied and the decision of the Planning Commission is affirmed and that the application of Mission Garden Estates, Inc. for a vesting tentative tract map for Tract 2527 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

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**TRACT 2527 / S030011U
FINDINGS - EXHIBIT A**

Environmental Determination

- A. Certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.
- B. Adopt the findings of the proposed Final Environmental Impact Report which finds that there is evidence that the project may have a significant effect on the environment, and therefore a Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) Mitigation measures were identified to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology & soils, hazards/hazardous materials, noise, population/housing, public services, recreation, traffic/circulation, water, wastewater, and land use & planning. Significant and unavoidable impacts to cultural resources were identified.

Tentative Map

- C. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single Family land use category.
- D. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- E. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- F. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single-family residences.
- G. The site is physically suitable for the proposed density of the development proposed because the site can adequately support 60 primary dwellings.
- H. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the applicant is not developing on the open space parcel that contains the riparian vegetation and will mitigate the impact to the San Joaquin kit fox.
- I. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- J. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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- K. The development will not create significant adverse effects on the natural features of the site or vicinity will preserve and protect such features through the site design, because the river bank and associated riparian vegetation is located in the non-buildable open space parcel.
- L. Natural features and topography have been considered in the design and location of all proposed physical improvements because the riverbank and associated riparian vegetation is located in the non-buildable open space parcel.
- M. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because a qualified archeologist and Native American will be on site for all grading.
- N. The site design and development cannot be feasible changed to avoid intrusion into or disturbance of archaeological resources. Illegal grading has occurred on the site that has already resulted in a significant impact to archaeological resources. Mitigation has been applied to the project to the maximum extent feasible. Construction will use appropriate methods to protect the integrity of the site. Such methods include a qualified archeologist and Native American will be on site for all grading in sensitive areas, if archeological resources are found work shall stop immediately and the County Environmental department will be contacted right a way.

Adjustments

- O. That there special circumstances or conditions affecting the subdivision because the developable area of the property is limited by the Flood Hazard designation and the need for a "buffer" area around the cultural resource site on the adjacent property requiring some proposed parcels to have a reduced lot width.
- P. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision because the reduced lot widths are generally in character with the other lots in the proposed subdivision.
- Q. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because the reduced lot widths will be in character with the balance of the subdivision.

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**TRACT 2527 / S030011U
CONDITIONS - EXHIBIT B**

Approved Project

1. A Vesting Tract Map to allow a cluster subdivision to subdivide three existing parcels totaling 50.55 acres into: 58 residential parcels ranging from 5,360 square feet to 12,500 square feet, one residential parcel of 4.75 acres, one 11.16 acre open space parcel with a 6,000 square foot building envelope, for the purpose of sale and/or development, and one non-buildable open space parcel of 20.22 acres and a 2.43 acre remainder lot.

Condition Compliance/ Mitigation Monitoring

2. **Prior to recordation of the final map**, the applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures. The monitor shall assist the County in condition compliance and mitigation monitoring for all stage of the project development including review of tract improvement plans, monitoring during tract improvements, and review and development of subsequent residential development. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

Access and Improvements

3. All on-site streets shall be constructed to an A-2 section within a 50 foot dedicated right-of-way with 5 foot sidewalks.
4.
 - a. a road constructed to an A-1 (rural) section within a minimum 40 ft. dedicated right-of-way, minimum paved width 18 feet, from the property to 11th Street, and continuing along 11th Street to N Street.
 - b. A road constructed to an A-7(c) (gravel) section within a minimum 25 – foot emergency access easement, minimum improved width 18 feet, across lot 60 to County road 26, and continuing along County Road 26 to Mission Street. The design of this road shall comply with all requirements of the National Flood Insurance Program.
5. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20-foot radius property line return at the intersection of all streets
 - b. A 40 ft. wide dedicated right of way across lot 1 between adjacent parcels APN 021-355-003 and 021-241-021
 - c. A 25-foot wide public access trail easement through the length of Lot 61 along the Salinas River shall be reviewed and approved by County Parks

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prior to the recordation of the final map or approval of improvement plans (whichever occurs first). The proposed trail easement shall be located and configured to avoid existing vegetation including cottonwoods and willows, and result in a minimal amount of soil disturbance.

6. Private easements to be reserved on the map including:
 - a. A 25-foot emergency access easement across lot 60 to County Road 26.
 - b. A 25-foot access easement across the proposed remainder parcel from adjacent parcel APN 021-355-003 to County Road 26.
 - c. A 15-foot access easement across lot 13 to the "open space" portion of lot 1.
7. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

8. At the time of application for tract improvements, a detailed geotechnical (soils engineering) investigation shall be performed in conjunction with the preparation of detailed project design plans. This investigation shall include recommendations for site preparation, grading and soil compaction as well as for other geotechnical aspects of the project including, but not limited to, liquefaction, seismically-induced or differential settlement, subsidence and expansive soils. This investigation shall provide feasible engineering or design solutions to these or any other potential geologic constraints. These measures will conform to requirements of the Uniform Building Code, the California Code of Regulations and applicable County ordinances.
9. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the County Environmental Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
10. **Prior to recordation of the final map**, all improvement plans shall be reviewed by the San Miguel Community Services District in order to insure that building materials, alarm systems, emergency vehicle access (turning radii, roadway grades), water storage, hydrant location(s) and brush clearance provide adequate fire protection for the proposed project. All water mains and fire hydrants shall provide required fire flows and shall be constructed in accordance with the specifications of the San Miguel Community Services District or other applicable standards.

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11. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
12. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions, and the approved improvement plans. All public improvements shall be completed **prior to recordation of the final map.**
13. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works; OR
 - b. Document that the regulatory agencies have determined that said permit is no longer required.
 - c. Submit verification that San Joaquin kit fox impact fee and mitigation measure have been completed.

Drainage

14. Submit complete drainage calculations to the Department of Public Works for review and approval.
15. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

16. All utilities including electric and telephone lines shall be installed underground.
17. Cable T.V. conduits shall be installed in the street.
18. Gas lines shall be installed.
19. Construction plans will be provided to applicable telecommunications companies as they become available in order to facilitate engineering, design and construction of improvements necessary to provide communication systems to the proposed project.

Design

20. The applicant shall apply to the Department of Planning and Building for approval of new street names **prior to the filing of the final parcel or tract map.** Approved street names shall be shown on the tract map and on improvement plans.

Fees

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21. **Prior to recordation of final map**, the applicant shall pay all applicable Quimby and Building Division Fees.
22. **Prior to final map recordation**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Services

23. **Prior to final map recordation**, the applicant shall obtain a final will-serve letter for water, and sewage service from the San Miguel Community Services District.
24. **Prior to final map recordation**, the applicant shall submit a full-size copy of proposed plans to the County Department of Environmental Health for review and approval. The plans shall include all facilities including drainage systems, sewer lines, and water wells.

Open Space Easement

25. **Prior to final map recordation**, an open space easement(s) shall be recorded for the open space parcels and other open space areas and for the following: Lot 1 (a) the entire area of the bluff slope between the eastern boundary of the Diocese parcel and (b) a "buffer" area bordering the northern boundary of the Diocese parcel extending out 100 feet from the northern boundary of the Diocese parcel, between the railroad right of way and the bluff slope; Remainder Parcel (a) a "buffer" area bordering the southern boundary of the Diocese parcel extending out 100 feet from the southern boundary of the Diocese parcel, between the railroad right of way and the bluff slope. It is to be held in one of the following ways: single ownership, in common by the Homeowner's Association, or transferred to a public trustee conservancy agency approved by the Department of Planning and Building. The "buffer" areas on the north and south of the Diocese parcel shall remain in open space unless it is demonstrated by subsequent archaeological testing to the satisfaction of the Environmental Coordinator, that intact cultural resources will not be affected by a reduction or elimination of the buffer areas. The other open areas are to be maintained as such in perpetuity.

Aesthetics

26. **Prior to approval of tract improvement plans**, the applicant shall submit landscape, landscape lighting, landscape irrigation and landscape maintenance plans and specifications for all common areas within the project to the Department of Building and Planning for review and approval. Proposed landscaping shall be selected and installed with the intent of obscuring building forms and masses within five years.
27. **Prior to approval of tract improvement plans**, the applicant shall provide a street lighting plan if required by another agency. The plan shall include the height, location and intensity of all street lighting. All light fixtures shall be shielded so that neither the lamp nor the reflective interior surface is visible from adjacent areas. All light poles, fixtures and hoods shall be dark (non-reflective) colored. Street lighting shall be shielded so as not to create glare when viewed from the off-site areas with lighting heights no more than is absolutely necessary.

The light poles and fixtures shall not be visible to travelers along Mission Street. Energy conserving street lighting shall be used.

Agriculture

28. **Prior to approval of tract improvement plans**, detailed plans shall be submitted to the County of San Luis Obispo delineating the location and type of fencing or other solid, uninterrupted barrier along the southern boundary of the developed portion of the site in order to prevent direct access from the site to agricultural uses to the south.

Air Quality

29. **Prior to approval of tract improvement plans**, a comprehensive Construction Activity Management Plan shall be developed to minimize the amount of large construction equipment operating during any given time period.
30. **Prior to approval of tract improvement plans**, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
31. **Prior to approval of tract improvement plans**, plans shall show the following dust control measures. During construction/ground disturbing activities, the applicant shall implement the measures as shown on the plans. These measures shall be shown on tract improvement, grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.
 - f. Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.

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- g. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.
32. **Prior to approval of tract improvement plans**, the following notes shall be shown on the construction plans, and shall be implemented during construction:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and,
 - d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
33. **Prior to recordation of the final map**, the applicant shall provide evidence of contacting the Southern Pacific Railroad to inform them of the pending residential development and to request that train engines not be allowed to idle in the vicinity of the proposed development.
34. **Prior to recordation of the final map**, the public access trail shall be constructed. **Prior to construction of the public access trail**, the applicant shall submit copies of permits and authorizations from the California Department of Fish and Game, Regional Water Quality Control Board, and United States Army Corps of Engineers or documentation that these permits are not necessary.

Biological

35. **Prior to approval of tract improvement plans**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 39 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.
 - b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved

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organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$97,500. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 39 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.
 - d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 39 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.
36. **Prior to approval of tract improvement plans**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b. Conduct weekly site visits during construction activities and submit weekly report to the County Planning and Building Department to ensure compliance with mitigation measures.
37. **Prior to approval of tract improvement plans**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
38. **Prior to approval of tract improvement plans**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation



measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.

39. **Prior to approval of tract improvement plans**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
40. **Prior to approval of tract improvement plans**, plans shall show the following measures. To prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded. During the site-disturbance and/or construction phase all the above measures shall be implemented.
41. **Prior to approval of tract improvement plans**, plans shall show the following measures. Any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped. During the site-disturbance and/or construction phase all the above measures shall be implemented.
42. **Prior to approval of tract improvement plans**, plans shall show the following measures. All food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. During the site-disturbance and/or construction phase all the above measures shall be implemented.
43. **Prior to approval of tract improvement plans**, plans shall show the following measures. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend. Prior to, during and after the site-disturbance and/or construction phase this measure shall be implemented.



44. **Prior to approval of tract improvement plans**, plans shall show the following measures. Any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition. During the site-disturbance and/or construction phase, all the above measures shall be implemented.
45. **Prior to approval of tract improvement plans**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.

Cultural Resources

46. **Prior to approval of tract improvement plans**, the applicant shall provide funding for the County of San Luis Obispo to retain an cultural resource management firm with demonstrated expertise in Mission era structures and resources to provide the following:
- a. Perform a subsurface investigation of the "remainder" lot south of the Diocese property, and on Lot 1 in order to confirm the presence and evaluate any potentially significant cultural resources associated with the neophyte quadrangle in any area potentially affected by proposed future road or access development.
 - b. Consult with the Diocese of Monterey to permit stabilization and other protective measures to the east side of the neophyte quadrangle in order to conserve the last remaining above ground remnant of the north wall of this facility.
 - c. Develop estimates for the cost of archaeologically excavating 31 neophyte rooms (equaling approximately 1,054 square meters) on the Diocese property as an offset for the impact that occurred due to the illegal grading of the Diocese properties and the project site. The total estimated volume of material destroyed and subject to mitigation is approximately 105.4 cubic meters. A payment program shall be developed phased with the development of the tract that provides for the equivalent of excavation of 100% of the disturbed volume. Monies shall be paid by the project applicant with credit for funds utilized for prior testing during the EIR evaluation. Credit shall not be given for those studies that evaluated resources or impacts on the project site (TR2527). These funds shall be held in trust by the California Mission Studies Association, California Missions Foundation or a comparable non-profit organization to be used for historical or archaeological studies, or restoration activities (no more than 50%) of resources or sites associated with San Miguel Mission. Preference of use of the funds shall be given to studies or resources related to Native American culture at the Mission.

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The program, payment phasing and fund administering organization shall be approved by the County of San Luis Obispo in consultation with the State of California, Office of Historic Preservation and representatives of the Salinan Tribe.

- d. Develop a detailed research design for an archaeological investigation of the brick and tile kiln. Upon the completion of the additional research, the applicant shall fund the construction and placement of a model of the neophyte quarters and kiln for interpretation purposes. Construction and placement of the model shall occur only if there is prior agreement by an appropriate institution to accept the model for interpretation purposes. Acceptable institutions include: Mission San Miguel, County of San Luis Obispo (Rios-Caledonia Adobe), County Historical Society, School District or a local San Miguel historical group with exhibit area.
 - e. Prepare and assemble the appropriate application and supporting documentation and process the nomination for placement of the cultural resources unearthed and still in place within and adjacent to the Mission Gardens Estates site for inclusion in the California Register of Historical Resources.
 - f. Prepare informational material appropriate for distribution at the Mission and elsewhere which presents photographs showing the Mission at different stages of its construction and alterations.
 - g. Provide a monitoring plan that shall include at a minimum:
 - 1) List of personnel involved in the monitoring activities, including a Native American representative;
 - 2) Description of how the monitoring shall occur;
 - 3) Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
 - 4) Description of what resources are expected to be encountered;
 - 5) Description of circumstances that would result in the halting of work at the project site (e.g. What are considered "significant" archaeological resources);
 - 6) Description of procedures for halting work on the site and notification procedures and;
 - 7) Description of monitoring reporting procedures.
47. **Prior to approval of tract improvement plans**, the applicant shall demonstrate on improvement plans that the brick and tile kiln located on the slope on the Mission Gardens Estates site shall be preserved in place with adequate barriers to protect the resource from erosion and public access. Enough buffer space should be provided to insure preservation of the surrounding area.
48. **Upon completion of all monitoring/mitigation activities and prior to completion of tract improvements**, the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/ mitigation activities; describing all features, deposits or cultural materials encountered; indicating provision for curation and confirming that all recommended mitigation measures have been met.
49. **Prior to approval of tract improvement plans**, the applicant shall provide for barriers, to be approved by the County of San Luis Obispo, to be erected or maintained to prevent unauthorized access to the Diocese properties, the



remainder lot south and southeast of the Diocese property, and the open space areas of lot 1.

Drainage, Sedimentation & Erosion

50. **Prior to approval of tract improvement plans,** the applicant shall submit a drainage plan that is approved by the county Public Works Department.
51. **Prior to approval of tract improvement plans,** the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB).
52. **Prior to approval of tract improvement plans,,** a Sedimentation and Erosion Control Plan shall be submitted to the County Department of Public Works for review and approval. The plan shall indicate methods to control erosion which may include, but are not limited to, erosion fencing, hay bales, temporary siltation basins, erosion control blankets, etc. This plan, to be prepared by a registered civil engineer, shall conform to Section 22.52.090 of the County Land Use Ordinance and shall include:
 - a. Any required replacement vegetation/landscaping shall be planted well in advance of October 15 in order to provide sufficient time prior to the rainy season for roots to establish and effectively hold soil together.
 - b. Erosion control measures shall prevent sediment-laden runoff from entering the on-site or downstream wetland areas associated with the Salinas River.
 - c. Fossil filters or similar devices shall be installed in all drop outlets and/or catch basins to trap oil and other pollutants from entering downstream wetland habitats. Such devices shall be maintained on a regular basis and cleaned and/or replaced prior to each rainy season or pursuant to the manufacturer's guidance.
 - d. Areas temporarily disturbed by project grading shall be immediately seeded with an erosion control vegetative mix suitable for the project area and site conditions.
 - e. Measures such as silt fencing, sediment traps, soil stabilizers, use of water trucks, etc. to contain sediment on site and eliminate sediment deposition in any of the drainage on-site or off-site shall be utilized during project construction.
 - f. Project grading shall take place, if possible, during the dry seasons of the year which is defined as between April 15th and October 15th per Section 22.02.036 of the County Land Use Ordinance.
53. **Prior to approval of tract improvement plans,** all plans shall show the following, any undocumented wells will be capped and the removal of any existing, undocumented fills shall be monitored by a qualified soils geologist. During project grading in the event that any toxic or hazardous materials are discovered, qualified authorities shall be contacted immediately. Any required remediations, soils removal or other required actions shall occur prior to completion of project grading in accordance with applicable local, State or Federal regulations.



Noise

54. **Prior to approval of tract improvement plans**, the applicant shall provide proof that all construction equipment using combustion engines have mufflers that are in good condition. Where feasible, stationary noise sources shall be located at least 300 feet from occupied dwellings unless noise-reducing engine housing enclosures or other noise screens are provided by the contractor.
55. **Prior to approval of tract improvement plans**, plans shall note that construction activities shall comply with the County of San Luis Obispo Noise Ordinance Section 22.06.042(d) which limits noise-generating construction activities to the hours between 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays. During construction activities, all measures noted above shall be implemented.

Safety

56. **Prior to approval of tract improvement plans**, detailed plans shall be submitted to the County of San Luis Obispo delineating the location and type of fencing or other solid, uninterrupted barrier in order to prevent direct access from the site to and across the Southern Pacific Railroad tracks in the vicinity of the project site.
57. **Prior to recordation of the final map**, plans for both the proposed primary and secondary, emergency-only access routes shall be submitted to and reviewed by the Union Pacific Railroad in order to insure that any required gates, warning signs, signage or other related safety measures are incorporated into the final design of both proposed access routes.
58. **Prior to recordation of the final map**, plans for a sidewalk crossing of the Union Pacific Railroad tracks at 11th Street shall be submitted to and reviewed by the Union Pacific Railroad and the County Department of Public Works. The applicant will be required to provide this sidewalk crossing prior to final inspection or project occupancy, whichever occurs first.
59. **Prior to recordation of the final map**, a Project Recycling Plan shall be submitted to be reviewed and approved by the San Miguel Community Services District and County Solid Waste Coordinator indicating methods of minimizing waste generation during project construction and achieve at least a 50% recycling rate for construction wastes. This plan shall include but may not be limited to purchasing practices that will insure that excess construction materials are not delivered to the site, that any materials and packaging that are delivered are recyclable locally and that proper separation of discarded materials (e.g., sheet rock, conduit, metal flashing, corrugated cardboard, scrap lumber, etc.) is conducted. In addition, the Project Recycling Plan shall incorporate the use of recycled materials where possible during all phases of project construction including the use of recycled flooring and roofing materials, glass, plastics, tile, carpet as well as the use of rubberized asphalt, recycled plastic signs, posts, wheel stops, etc. The Project Recycling Plan shall also identify methods of recycling/reuse of "green waste" generated during the operation of the proposed project.



Additional Map Sheet

60. The applicant shall prepare an additional map sheet to be approved by the County of Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

Residential Construction

- a. **At the time of application for construction permits**, all building plans shall show the following requirements. These plans shall be reviewed and approved by the County Planning Department:
- 1) Designated building sites (and access drives) in any area that has more than three houses in a row with front set backs that are staggered by a minimum five-foot difference from the adjacent houses.
 - 2) The preferred location of garages to be behind the front of house or along the side of the property. Garages shall sit back at least five feet from the front wall of 80 percent of the units.
 - 3) Any unit in which the garage is 50 percent or more than the width of the street facing side shall provide for garage doors that include decorative windows.
 - 4) The main entry of the home should be located on the street side of the building and located within a veranda or porch a minimum of six feet wide.
 - 5) The driveway widths should be no greater than 12 feet of lot frontage and should flair wider to the garage door.
 - 6) Single lane driveways that flair at garage or shared driveways to be used by more than one house.
 - 7) Quality design and construction.
 - 8) Architecture compatible with existing neighborhoods and their traditional character.
 - 9) All sides of residences should be detailed and articulated with relief elements and changes in plane with elements such as bay windows, chimneys, trellises or changes in materials.
 - 10) A minimum of three different front façades with some set further back from neighboring facades to create texture and interest.
 - 11) A color board to include manufacturer's specifications for color samples of building materials and roofs. The colors selected shall be muted, darker tones and shall be selected to match color tones seen in surrounding areas. Red tile roofs shall be avoided. The specular gloss rating of the roof material shall be 10 percent to 15 percent at an angle 60 degrees.
 - 12) Outdoor electrical outlets shall be provided to encourage the use of electric appliances and tools.
 - 13) Building design shall include as many energy-conserving features as possible including, but not limited to, increasing wall and roof insulation to 10% above Title 24 requirements.
 - 14) Low nitrogen oxide emitting water heaters and built-in efficient appliances shall be provided.
 - 15) Double-paned thermally-efficient windows shall be used on all structures.
 - 16) Energy efficient interior lighting shall be used in all structures.



- 17) Shade trees shall be provided along southern exposures of buildings to reduce summer cooling needs.
 - 18) Roof materials with a solar reflectance value meeting the EPA/DOE Energy Star rating shall be used to reduce summer cooling needs. These roof materials are required to be of muted darker tones.
 - 19) Only APCD approved wood burning devices shall be installed in new dwelling units. The project applicant shall provide new home buyers with information identifying approved wood-burning devices.
 - 20) All buildings shall be constructed with spark arresters on all chimneys and fire retardant roofing material as described in Section 3202 of the Uniform Building Code. Any wood shingles or shakes shall have a Class "A" or "B" rating and shall be approved by the San Miguel Community Services District prior to installation.
 - 21) A Fire Safety and Fuel Reduction Plan in accordance with California Department of Forestry standards.
 - 22) Compliance with the approved Project Recycling Plan that applies to the on-going operation of the subdivision after the residences have been completed.
 - 23) In accordance with the Uniform Plumbing Code, ultra low-flow toilets (1.6 gallons per flush) shall be installed within the proposed project. Low-flow shower heads (2.0 gallons per minute) shall also be utilized.
 - 24) All appliances installed within the proposed project shall be water conserving models, including but not limited to, dishwashers.
 - 25) The proposed project shall, where possible, use efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots.
 - 26) All proposed structures shall be designed to insure the 45 dBA Leq interior noise standard is met. Measures to achieve this standard may include, but are not limited to, the use of mechanical ventilation provided per the Uniform Building Code. Windows and sliding glass door frames shall be mounted in low air infiltration rate frames (0.5 cfm or less per ANSI specifications) or exterior doors shall be solid core with perimeter weather-striping and threshold seals
- b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - c. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - d. The limits of inundation from a 100-year storm over lots 54, 55, 56, 57, 58, 59, 60 and 61 from the Salinas River shall be shown on the additional map and note the required building restriction on the sheet.
 - e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - f. Prior to final of any related building permit, all approved landscaping shall be installed.

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- g. During construction/ground disturbing activities for residential construction, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- 1) Reduce the amount of disturbed area where possible;
 - 2) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - 3) All dirt stock-pile areas should be sprayed daily as needed;
 - 4) All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - 5) All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.
 - 6) Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.
 - 7) Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.
- h. **Prior to issuance of construction permits**, the following notes shall be shown on construction plans, and shall be implemented during construction:
- 1) Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - 2) Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - 3) Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and,
 - 4) Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
 - 5) Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - 6) Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

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- 7) Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and, Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
- i. Developmental burning shall be prohibited unless a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF) is obtained. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
- j. **Prior to issuance of construction permits**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
 - 1) Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - 2) Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.
- k. **Prior to issuance of construction permits**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
- l. **Prior to construction**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
- m. To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- n. During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
- o. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
- p. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- q. All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
- r. No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
 - 1) Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 2) Potential San Joaquin kit fox den: 50 feet
 - 3) Known San Joaquin kit fox den: 100 feet
 - 4) San Joaquin kit fox pupping den: 150 feet.
 - 5) Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.

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If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

- s. Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.
- t. **Prior to final inspection**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
 - 1) If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches.
 - 2) If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.
- u. **Prior to issuance of construction permits**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
- v. **Prior to issuance of construction permits**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.
- w. All residential construction will participate in any County Transportation Impact Fee Programs or any other applicable roadway or intersection improvement programs and provide its fair share contribution based upon the extent of project impacts.

Covenants, Conditions and Restriction

- 61. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.

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- b. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - c. The limits of inundation from a 100-year storm over lots 54, 55, 56, 57, 58, 59, 60 and 61 from the Salinas River shall be shown on the additional map and note the required building restriction on the Exhibit attached to the CC&R's.
 - d. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - e. Notification to prospective buyers and future owners of the property the location and operation of the adjacent wastewater treatment plant and a written release of information regarding exposure to objectionable odors.
 - f. Notification to prospective buyers and future owners of the property that the property is in an area subject to noise generated from illegal activity within the Salinas River.
 - g. Notification to prospective buyers and future owners of the property that off road vehicle use, camping, target practice and other uses that are damaging to the Salinas River are prohibited on the open space parcel.
62. All landscaping to be installed on site shall reflect the following water conservation methods in perpetuity: landscape with low water consuming plants; group plants with similar irrigation requirements to reduce over-irrigation; use of mulch in order to improve the water holding capacity of the soil by reducing evaporation and soil compaction and install efficient irrigation systems that minimize runoff and evaporation and maximize the amount of water that will reach the plant roots. Drip irrigation, soil moisture sensor and automatic irrigation systems also represent methods of increasing irrigation efficiency.

Miscellaneous

63. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
64. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
65. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
66. The subdivider shall as a condition of approval of this tentative or parcel map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this subdivision, which action is brought within the time period provided for by law. This condition is subject to

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the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

67. Prior to the sale or development of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county which would include a subsurface investigation to confirm the presence and evaluate any potentially significant resources.
68. The applicant shall as a condition of approval of this conditional use permit and tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this conditional use permit and subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

A handwritten signature or set of initials, possibly "C. H.", written in black ink in the bottom right corner of the page.

**TRACT 2527 / S030011U
CONDITIONAL USE PERMIT
FINDINGS - EXHIBIT C**

Environmental Determination

- A. Certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.
- B. Adopt the findings of the proposed Final Environmental Impact Report which finds that there is evidence that the project may have a significant effect on the environment, and therefore a Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) Mitigation measures were identified to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology & soils, hazards/hazardous materials, noise, population/housing, public services, recreation, traffic/circulation, water, wastewater, and land use & planning. Significant and unavoidable impacts to cultural resources were identified.

Conditional Use Permit

- C. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- D. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- E. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the six residential lots and one open space lot does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- F. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the residential lots are similar to, and will not conflict with, the surrounding residential and commercial lands and uses.
- G. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because The project is located off of 11 th St. and is required to improve local streets connecting to 11th St.
- H. The development will not create significant adverse effects on the natural features of the site and will preserve and protect such features through the site design. A drainage plan is required to protect the Salinas River from project



runoff.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because topography and the Flood Hazard area have been considered in the subdivision design, and the Salinas River and associated habitat will be protected by an open space easement.
- J. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because a qualified archeologist and Native American will be on site for all grading.
- K. The site design and development cannot be feasible changed to avoid intrusion into or disturbance of archaeological resources. Illegal grading has occurred on the site that has already resulted in a significant impact to archaeological resources. Mitigation has been applied to the project to the maximum extent feasible. Construction will use appropriate methods to protect the integrity of the site. Such methods include a qualified archeologist and Native American will be on site for all grading in sensitive areas, if archeological resources are found work shall stop immediately and the County Environmental department will be contacted right a way.

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**TRACT 2527 / S030011U
CONDITIONAL USE PERMIT
CONDITIONS - EXHIBIT D**

Approved Project

1. A Vesting Tract Map and a Conditional Use Permit allow a cluster subdivision to subdivide three existing parcels totaling 50.55 acres into: 58 residential parcels ranging from 5,360 square feet to 12,500 square feet, one residential parcel of 4.75 acres, one 11.16 acre open space parcel with a 6,000 square foot building envelope, for the purpose of sale and/or development, and one non-buildable open space parcel of 20.22 acres and a 2.43 acre remainder lot.

Condition Compliance/ Mitigation Monitoring

2. Prior to issuance of construction permits, the applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures. The monitor shall assist the County in condition compliance and mitigation monitoring for all stage of the project development including review of tract improvement plans, monitoring during tract improvements, and review and development of subsequent residential development. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

Conditions required to be completed at the time of application for construction permits

Residential Construction

3. **At the time of application for construction permits**, all building plans shall show the following requirements. These plans shall be reviewed and approved by the County Planning Department:
 - a. Designated building sites (and access drives) in any area that has more than three houses in a row with front set backs that are staggered by a minimum five-foot difference from the adjacent houses.
 - b. The preferred location of garages to be behind the front of house or along the side of the property. Garages shall sit back at least five feet from the front wall of 80 percent of the units.
 - c. Any unit in which the garage is 50 percent or more than the width of the street facing side shall provide for garage doors that include decorative windows.
 - d. The main entry of the home should be located on the street side of the building and located within a veranda or porch a minimum of six feet wide.
 - e. The driveway widths should be no greater than 12 feet of lot frontage and should flair wider to the garage door.

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- f. Single lane driveways that flair at garage or shared driveways to be used by more than one house.
- g. Quality design and construction.
- h. Architecture compatible with existing neighborhoods and their traditional character.
- i. All sides of residences should be detailed and articulated with relief elements and changes in plane with elements such as bay windows, chimneys, trellises or changes in materials.
- j. A minimum of three different front façades with some set further back from neighboring facades to create texture and interest.
- k. A color board to include manufacturer's specifications for color samples of building materials and roofs. The colors selected shall be muted, darker tones and shall be selected to match color tones seen in surrounding areas. Red tile roofs shall be avoided. The specular gloss rating of the roof material shall be 10 percent to 15 percent at an angle 60 degrees.
- l. Outdoor electrical outlets shall be provided to encourage the use of electric appliances and tools.
- m. Building design shall include as many energy-conserving features as possible including, but not limited to, increasing wall and roof insulation to 10% above Title 24 requirements.
- n. Low nitrogen oxide emitting water heaters and built-in efficient appliances shall be provided.
- o. Double-paned thermally-efficient windows shall be used on all structures.
- p. Energy efficient interior lighting shall be used in all structures.
- q. Shade trees shall be provided along southern exposures of buildings to reduce summer cooling needs.
- r. Roof materials with a solar reflectance value meeting the EPA/DOE Energy Star rating shall be used to reduce summer cooling needs. These roof materials are required to be of muted darker tones.
- s. Only APCD approved wood burning devices shall be installed in new dwelling units. The project applicant shall provide new home buyers with information identifying approved wood-burning devices.
- t. All buildings shall be constructed with spark arresters on all chimneys and fire retardant roofing material as described in Section 3202 of the Uniform Building Code. Any wood shingles or shakes shall have a Class "A" or "B" rating and shall be approved by the San Miguel Community Services District prior to installation.
- u.. A Fire Safety and Fuel Reduction Plan in accordance with California Department of Forestry standards.
- v. Compliance with the approved Project Recycling Plan that applies to the on-going operation of the subdivision after the residences have been completed.
- w. In accordance with the Uniform Plumbing Code, ultra low-flow toilets (1.6 gallons per flush) shall be installed within the proposed project. Low-flow shower heads (2.0 gallons per minute) shall also be utilized.
- x. All appliances installed within the proposed project shall be water conserving models, including but not limited to, dishwashers.
- y. The proposed project shall, where possible, use efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots.

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- z. All proposed structures shall be designed to insure the 45 dBA Leq interior noise standard is met. Measures to achieve this standard may include, but are not limited to, the use of mechanical ventilation provided per the Uniform Building Code. Windows and sliding glass door frames shall be mounted in low air infiltration rate frames (0.5 cfm or less per ANSI specifications) or exterior doors shall be solid core with perimeter weather-stripping and threshold seals
- 4. Prior to final of any related building permit, all approved landscaping shall be installed.
- 5. During construction/ground disturbing activities for residential construction, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.
 - f. Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.
 - g. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.
- 6. **Prior to issuance of construction permits**, the following notes shall be shown on construction plans, and shall be implemented during construction:
 - a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and,
 - d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.

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- e. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - f. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - g. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and, Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
7. Developmental burning shall be prohibited unless a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF) is obtained. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
8. **Prior to issuance of construction permits**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.
9. **Prior to issuance of construction permits**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
10. **Prior to construction**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
11. To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit

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fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

12. During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
13. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
14. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species using adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
15. All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
16. No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
 - a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 1) Potential San Joaquin kit fox den: 50 feet
 - 2) Known San Joaquin kit fox den: 100 feet
 - 3) San Joaquin kit fox pupping den: 150 feet.
17. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials

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storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.

If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

18. Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.
19. Prior **to final inspection**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
 - a. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches.
 - b. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.
20. **Prior to issuance of construction permits**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
21. **Prior to issuance of construction permits**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.
22. All residential construction will participate in any County Transportation Impact Fee Programs or any other applicable roadway or intersection improvement programs and provide its fair share contribution based upon the extent of project impacts.
23. All landscaping to be installed on site shall reflect the following water conservation methods in perpetuity: landscape with low water consuming plants; group plants with similar irrigation requirements to reduce over-irrigation; use of mulch in order to improve the water holding capacity of the soil by reducing

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evaporation and soil compaction and install efficient irrigation systems that minimize runoff and evaporation and maximize the amount of water that will reach the plant roots. Drip irrigation, soil moisture sensor and automatic irrigation systems also represent methods of increasing irrigation efficiency.

Services

24. **At the time of application for construction permits**, the applicant shall provide a letter from San Miguel Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

25. **Prior to issuance of construction permits**, the applicant shall provide funding for the County of San Luis Obispo to retain a cultural resource management firm with demonstrated expertise in Mission era structures and resources to provide the following:
- a. Perform a subsurface investigation of the "remainder" lot south of the Diocese property, and on Lot 1 in order to confirm the presence and evaluate any potentially significant cultural resources associated with the neophyte quadrangle in any area potentially affected by proposed future road or access development.
 - b. Consult with the Diocese of Monterey to permit stabilization and other protective measures to the east side of the neophyte quadrangle in order to conserve the last remaining above ground remnant of the north wall of this facility.
 - c. Develop estimates for the cost of archaeologically excavating 31 neophyte rooms and 1,092 square meters on the Diocese property as an offset for the impact that occurred due to the illegal grading of the Diocese properties and the project site. A payment program shall be developed phased with the development of the tract. Monies shall be paid by the project applicant with credit for funds utilized for prior testing. These funds shall be held in trust by the California Mission Studies Association, California Missions Foundation or a comparable non-profit organization to be used for historical and archaeological studies of San Miguel Mission. Ideally, these studies would focus on Native American culture at the Mission. The program, payment phasing and fund administering organization shall be approved by the County of San Luis Obispo in consultation with the State of California, Office of Historic Preservation and representatives of the Salinan Tribe.
 - d. Develop a detailed research design for an archaeological investigation of the brick and tile kiln. Upon the completion of the additional research, the applicant shall fund the construction and placement of a model of the neophyte quarters and kiln for interpretation purposes. Construction and placement of the model shall occur only if there is prior agreement by an appropriate institution to accept the model for interpretation purposes. Acceptable institutions include: Mission San Miguel, County of San Luis

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- Obispo (Rios-Caledonia Adobe), County Historical Society, School District or a local San Miguel historical group with exhibit area.
- e. Prepare and assemble the appropriate application and supporting documentation and process the nomination for placement of the cultural resources unearthed and still in place within and adjacent to the Mission Gardens Estates site for inclusion in the California Register of Historical Resources.
 - f. Prepare informational material appropriate for distribution at the Mission and elsewhere which presents photographs showing the Mission at different stages of its construction and alterations.
 - g. Provide a monitoring plan that shall include at a minimum:
 - i. List of personnel involved in the monitoring activities, including a Native American representative;
 - ii. Description of how the monitoring shall occur;
 - iii. Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
 - iv. Description of what resources are expected to be encountered;
 - v. Description of circumstances that would result in the halting of work at the project site (e.g. What are considered "significant" archaeological resources);
 - vi. Description of procedures for halting work on the site and notification procedures and;
 - vii. Description of monitoring reporting procedures.

Fees

- 26. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
- 27. The proposed project will participate in any County Transportation Impact Fee Programs or any other applicable roadway or intersection improvement programs and provide its fair share contribution based upon the extent of project impacts.
- 28. During construction/ground disturbing activities for residential construction, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.



- f. Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.
 - g. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.
29. During all ground disturbing construction activities, the applicant shall for a qualified archeologist and Native American representative, approved by the County of San Luis Obispo to monitor all earth disturbing activities pursuant to the approved monitoring plan. If any significant archeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity of the resource (precise area to be determined by the archeologist in the field) until such time as the resource can be evaluated by the archeologist. Human remains will be addressed according to State law. The applicant shall implement all mitigations as required by the Environmental Coordinator.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

30. Upon completion of all monitoring/mitigation activities and prior to occupancy or final inspection (whichever occurs first), the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/ mitigation activities; describing all features, deposits or cultural materials encountered; indicating provision for curation and confirming that all recommended mitigation measures have been met.
31. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
32. The applicant shall as a condition of approval of this conditional use permit and tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this conditional use permit and subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

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**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE
CLEARINGHOUSE NUMBER 2004051154) FOR THE
MISSION GARDENS ESTATES TRACT 2527
EXHIBIT E**

The County of San Luis Obispo (the "County") hereby certifies the Mission Gardens Estates Final Environmental Impact Report, State Clearinghouse Number 2004051154, which consists of the Draft EIR, the Responses to Comments on the Draft EIR, the Mitigation Monitoring/Reporting Program, these Findings of Fact, the Staff Report and any associated attachments (collectively referred to as the "Final EIR"), and finds that it has been completed in compliance with the California Environmental Quality Act (Public Resource Code Section 21000, et seq.) ("CEQA") and that the County of San Luis Obispo has received, reviewed and considered the information contained in the Final EIR, all hearings, and submissions of testimony from officials and Departments of the County, the applicant, the public and other municipalities and agencies.

Having received, reviewed and considered the foregoing information, as well as any and all information in the record, the County of San Luis Obispo hereby makes these Findings of Fact pursuant to, and in accordance with, Section 21081 of the Public Resource Code as follows:

BACKGROUND

The proposed Mission Gardens Estates project involves a 60 lot residential development with lots ranging in size from 6,001 to 11,634 square feet within a 12.5 acre area, two open space lots and one remainder parcel. The project involves grading and installing improvements and utilities resulting in the disturbance of approximately 13 acres and movement of approximately 30,000 cubic yards of cut and fill. Earthwork is anticipated to balance on-site with equal amounts (15,000 cubic yards) of cut and fill. Off-site roadway improvements include provision of a two-lane, paved roadway extension from 11th Street south to the project boundary. Utility extensions will also be provided along this roadway to serve the proposed project.

The proposed project will be constructed in one phase. Project grading is expected to be completed within two months with construction of structures, roadways and utilities requiring an additional four to eight months.

Premature site work and improvements occurred during the summer of 2003. During these grading activities, portions of adjacent properties to the west and south, not owned by the applicant, were graded or disturbed. When the activity was noted, the County of San Luis Obispo was informed and issued an order to cease grading. This unauthorized grading had encroached onto two adjacent lots owned by the Diocese of Monterey, areas containing former neophyte dwellings and an orchard, both of which were associated with the historic operation of the Mission San Miguel. The neophyte dwelling is located on the terrace west of and overlooking the subject property with the Mission orchard located to the east and south of the neophyte dwelling area. Both of these areas were graded and topsoil was removed and placed on the project site to the east.

Due to its rarity in the State, any structure or resource associated with one of the 21 original missions is considered extremely important. The Final EIR evaluated the cultural resources within the area proposed for development as well the area impacted by the illegal grading. The EIR use the criteria for historic resources found in the State CEQA Guidelines State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15064.5). Due to the importance and rarity of the resource, the neophyte quarters remains would qualify as a historic resource under three of the four criteria listed in Guidelines Section 15064.5(3) including:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage – *(the founding and operation of Mission San Miguel and the role of the Native American's at that Mission.)*

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values – *(example of Mission adobe construction including building layout and function.)*

(D) Has yielded, or may be likely to yield, information important in prehistory or history – *(the role of the Native Americans at Mission San Miguel including everyday life, diet, etc.)*

The Final EIR addresses the impacts of the previously-conducted, unauthorized grading activities as well as the impacts of project development upon cultural resources found within and adjacent to the project site.

The proposed project involves the following approvals from the County of San Luis Obispo: Certification of the Final Environmental Impact Report for the proposed Mission Gardens Estates project; Approval of Mitigation Monitoring Program for the proposed project; Approval of Vesting Tentative Tract 2527 to accommodate the proposed uses and issuance of grading permits, building permits, etc. from the County of San Luis Obispo. The proposed Mission Gardens Estates project may also require the following permits by other involved regulatory agencies including: Water Quality Certification and Storm Water Discharge Permits from the Central Coast Regional Water Quality Control Board; Wastewater Discharge Permits from the Central Coast Regional Water Quality Control Board; Section 404 permits under the Clean Water Act from the U.S. Army Corps of Engineers and review and approval of utility and building plans by the San Miguel Community Services District.

This Final Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) as amended (Public Resources Code Section 21000, et. seq.). This Final EIR is intended to address all of the impacts, mitigation measures, project alternatives, etc. associated with the current project. An Initial Study for the project was prepared by the County of San Luis Obispo and a Notice of Preparation (NOP) for an EIR was distributed to local Responsible and Trustee Agencies, the State Clearinghouse and other interested parties between May 24, 2004 and June 28, 2004. Various agencies and individuals provided written comments within the State-mandated 30-day public review period for the NOP. During the months of February, 2005 through April, 2005, the County of San Luis Obispo internally reviewed administrative draft copies of the Draft EIR.

Upon completion of this review, copies or notification of availability of the Draft EIR were forwarded to all Responsible/Trustee Agencies and interested groups and individuals. As was also the case for the Notice of Preparation, the Draft EIR was forwarded to the State Clearinghouse for distribution to and review by various involved State agencies. The State-mandated 45-day public review of the Draft EIR began on April 12, 2005 and ended on June 1, 2005. A Response to Comments package was prepared which presented all written comments received in response to the public review of the Draft Environmental Impact Report.

The contents of the Draft EIR, the Responses to Comments on the Draft EIR, the Mitigation Monitoring/Reporting Program, these Findings of Fact, the Staff Report and any other related attachments or additional materials comprise the Final Environmental Impact Report for the proposed Mission Gardens Estates project.

This Final EIR has been prepared for the County of San Luis Obispo in accordance with the California Environmental Quality Act (CEQA), as amended, and County Guidelines for the Implementation of CEQA. Pursuant to California Public Resources Code 21082.1, the County of San Luis Obispo has independently reviewed and analyzed the information contained in the Final Environmental Impact Report. The conclusions and discussions contained herein reflect the independent judgment of the County of San Luis Obispo as to those issues at the time of publication.

THE ENVIRONMENTAL IMPACT REPORT

An Initial Study for the Mission Gardens Estates project was prepared by the County of San Luis Obispo in January, 2003, which identified potential environmental impacts attributable to the proposed project. These potential impact areas include aesthetics; agricultural resources; air quality; biological resources; cultural resources; geology and soils; hazards/hazardous materials; noise; population and housing; public services (police protection, fire protection, schools, solid waste, energy and communications systems); recreation; transportation/circulation; wastewater; water and land use and planning. In addition, the State CEQA Guidelines require analysis of unavoidable adverse impacts, project alternatives, growth inducing impacts, cumulative impacts and provision of a Mitigation Monitoring/Reporting Program. As a result of the Initial Study, it was determined that the proposed project may have a significant effect on the environment and an Environmental Impact Report (EIR) was required.

The Final EIR analyzed both project and cumulative effects of potential environmental impacts noted above. The Final EIR developed and identified a variety of mitigation measures to minimize, reduce, avoid or compensate for the potential adverse effects of the proposed project.

The Final EIR discussed a number of potential alternatives to the proposed project, including the: 1) the No Project Alternative; 2) the Resource Avoidance Alternative A; 3) the Resource Avoidance Alternative B; 4) the Resource Avoidance Alternative C; 5) Alternate Land Uses and 6) Alternative Site Locations.

Public hearings have been held on the project proposal and its associated environmental impacts by the County of San Luis Obispo Planning Commission prior to the certification of the Final EIR.

The County of San Luis Obispo makes the following findings in adopting a Resolution certifying the Final EIR. Section 1 of these Findings contains the Statement of Overriding considerations. Section 2 discusses those potential environmental effects of the proposed project which have been mitigated to a level of insignificance. Section 3 discussesses the potential environmental effects of the proposed project which were determined not to be significant. Section 4 discusses the significant unavoidable environmental effects of the proposed project which cannot be feasibly mitigated to a level of insignificance. Section 5 discusses the growth-inducing impacts of the proposed project. Section 6 discusses the alternatives to the proposed project discussed in the Final EIR. Section 7 discusses the Mitigation Monitoring/Reporting Program for the proposed project. Section 8 contains the required Section 15091 and 15092 Findings. The findings set forth in each section are supported by substantial evidence in the administrative record of the proposed project. Exhibit A to this Findings package contains the Mitigation Monitoring Program for the proposed project.

SECTION 1

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed significant effects which will occur as a result of the proposed Mission Gardens Estates project. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to a level of insignificance except for project-related significant, unavoidable adverse impacts in the area of Cultural Resources as identified in Section 4 of these Findings. Section 15093 (a)(b) of the State CEQA Guidelines states that the County of San Luis Obispo, as Lead Agency, must “balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.” If the benefits of a project outweigh its unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” When the Lead Agency approves a project which will result in significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the Lead Agency must state the specific reasons to support its action.

Having reduced the effects of the proposed project by adopting the conditions of approval and a program to monitor mitigation measures for certain project impacts (as discussed in Section 2 and 3 of these Findings) and having balanced the benefits of the proposed project against the proposed project’s potential unavoidable adverse impacts (as noted in Section 4 of these Findings), the County of San Luis Obispo hereby determines that the specific economic, legal, social, technological or other benefits of the proposed project outweigh these significant unavoidable adverse impacts based on the following overriding considerations:

1. The proposed project provides residential land uses within an overall land use plan which cannot be accomplished on a parcel-by-parcel basis.
2. The proposed project provides a net increase of 59 residences which responds to the demand for housing in the San Miguel area and north San Luis Obispo County.
3. The proposed project is consistent with the land uses designated within the San Miguel Urban Area Design Plan which designates the entire project site for Residential Single Family uses.
4. The revised project design conforms to the 60 dwelling unit density limitation placed on the site by the County Land Use Ordinance.
5. The proposed project is in conformance with the regulations contained within the San Luis Obispo County Land Use Ordinance relative to the residential clustering requirements. The proposed 60-lot residential subdivision is clustered within 13 acres of the 50.61 acre project site in compliance with cluster subdivision criteria within the Land Use Ordinance. The developed portion of the proposed project is located west of and avoids the Flood Hazard combining designation.
6. The proposed project will provide approximately 31 acres of open space areas along the project boundaries which will provide an open space buffer between

developed portions of the site and the Salinas River, and will provide a public equestrian trail easement.

7. The proposed project provides a backbone infrastructure system and public facilities (including water, wastewater and utility systems) in an efficient and timely manner which support the proposed development of the subject property and the community of San Miguel.
8. The proposed project provides an on-site roadway system and required off-site roadway improvements that are consistent with County roadway design standards and provides safe and efficient access between the project site and off-site arterials.
9. The proposed project provides access in the form of an offer of dedication of access easements to the parcel under separate ownership located on the western site boundary.
10. The proposed project will provide the opportunity for continued historical and archaeological studies of the San Miguel Mission while also insuring protection and avoidance of known resources both within and adjacent to the site boundaries.
11. The proposed project will generate development fees and will indirectly generate an incremental increase in sales tax revenue to the County of San Luis Obispo.
12. The proposed project will generate increased property tax revenue to the County of San Luis Obispo.
13. The proposed project will school fees that will benefit the school districts serving the community of SanMiguel.

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SECTION 2

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN MITIGATED TO A LEVEL OF INSIGNIFICANCE

All Final EIR mitigation measures (as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings) have been incorporated into the Conditions of Approval for the proposed Mission Gardens Estates project.

The County of San Luis Obispo has determined that these mitigation measures and conditions of approval will result in a substantial reduction of the following impacts which have been mitigated to a level of insignificance. The mitigation measures referred to below are contained within the Mitigation Monitoring Program which is attached as Exhibit A to these Findings.

A. Aesthetics

1. Impacts – Refer to Final EIR pages V-7 through V-9.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures A-1 through A-5 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – Construction and occupation of the proposed Mission Gardens Estates project will result in the permanent alteration in the nature and appearance of the project site for areas devoted to the proposed residential subdivision which will involve the construction of roads, utilities and structures. Development of the proposed project will result in the physical alteration of approximately 13 acres of the 50.61 acre site. The balance of the site will be left in its existing condition. The proposed structures will be contained within the 12.51 acre development area. Structures will vary in height between 18 and 20 feet. Building materials will include a combination of stucco and wood siding with composition shingle roofs.

Construction of the proposed Mission Gardens Estates project will result in short-term impacts to views of the project site during construction activities. Temporary construction impacts will result from grading activities and construction of proposed structures and roadways. Impacts to views of the area during project construction are considered to be less than significant due to their temporary nature.

The shielding of the site due to topography and vegetation will significantly reduce the visual scale and the extent of visibility of the proposed structures.

While visible in the background, the proposed structures appear to be visually compatible with immediately surrounding land uses. there is no obstruction or degradation of scenic views of the area or substantial alteration in the features visible from Mission Street or 11th Street. Given the minimal change in the overall viewscape as a result of project development, the proposed project will result in less than significant visual impacts to views from these three view locations.

The proposed Mission Gardens Estates project will have lighting within the buildings and along proposed roadways. As such, night lighting will be generated on the project site. Views from 11th Street as well as from adjacent properties will be impacted due to project-related light and glare.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant aesthetics impacts associated with the proposed project will be reduced to a level of insignificance.

B. Agricultural Resources

1. Impacts – Refer to Final EIR pages V-11 through V-13.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures B-1 and B-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings —
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen certain significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – Development of the Mission Gardens Estates project will result in the permanent reduction in the amount of land potentially available for grazing or other agricultural activities. The proposed project will convert approximately 13 acres to developed uses involving a 60 lot residential subdivision with approximately 37.6 acres remaining within an open space lot and remainder parcels.

As no prime agricultural land will be converted to urban uses under the proposed project, impacts to prime soils will be less than significant.

Potential land use conflicts between proposed residential uses and adjacent agricultural operations include an increased risk of trespassing, property damage and increased security for the ranch operation. Practices associated with the intensive agricultural use on adjacent parcels such as tilling, noise from tractors, irrigating, spraying of chemicals and odors could generate Right-to-Farm conflicts between project residents and their off-site neighbors.

With the incorporation of the mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially

significant agricultural resources impacts associated with the proposed project will be reduced to a level of insignificance.

C. Air Quality

1. Impacts – Refer to Final EIR pages V-19 through V-24.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures C-1 through C-29 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence – Temporary impacts would result from project construction activities. Air pollutants would be emitted by construction equipment and fugitive dust would be generated during grading and site preparation. Reactive Organic Gases and Nitrogen Oxides emissions are projected to be well below the 187 lbs/day thresholds for these pollutants. PM10 emissions (2.67 tons per quarter) are projected to exceed the 2.5 tons/quarter APCD threshold for this pollutant.

Regional long-term air quality impacts will result from development of the proposed project. The main source of regional emissions generated by the proposed project is motor vehicles. Other emissions are generated by the combustion of natural gas for space and water heating for the buildings of the proposed project. Emissions are also generated by the use of natural gas and oil for the generation of electricity off-site. Pollutant emissions associated with the proposed project are projected to exceed Tier 1 thresholds for NOx. Project emissions are not projected to exceed Tier II thresholds for any air pollutants.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant air quality impacts associated with the proposed project will be reduced to a level of insignificance.

D. Biological Resources

1. Impacts – Refer to Final EIR pages V-30 through V-32.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures D-1 through D-17 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.

3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence - Project development will occur within an area that was recently graded and was subject to prior agricultural operations. These areas contain scattered non-native weedy species. The direct loss of these non-native weedy species or native grasses which would otherwise inhabit the site over approximately thirteen acres is considered to be an insignificant impact to the botanical resources of the area.

Project development will avoid the riparian vegetation found within the Salinas River channel due to the 31.77 acre open space parcel (Lot 61) proposed on the eastern portion of the project site.

Given the general lack of sensitive or special status species found in areas proposed for project development, no Federally or State-listed rare, threatened or endangered plant species would be directly removed or affected by project activities.

Development of the project will result in the loss of wildlife habitat and the potential loss of individuals of common wildlife species. These direct impacts will occur with ground disturbance, vegetation removal, noise and increased human presence during the development of the site as well as subsequent human use.

No Federally or State-listed rare, threatened or endangered animal species would be directly removed or affected by project activities. However, the project site is located within an area identified as habitat for the Federally endangered and State threatened San Joaquin kit fox.

Indirect impacts to native habitats may occur due to public access into areas immediately adjacent to the project site. The primary sensitive habitat adjacent to the project site is the Salinas River channel. Increased public access into this area will occur with project development due to the increased incidence of trespassing, vandalism and disturbance by people and their pets.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant biological resources impacts associated with the proposed project will be reduced to a level of insignificance.

E. Cultural Resources

1. Impacts – Refer to Final EIR pages V-49 through V-52.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures E-1 through E-12 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.

3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – The slope which runs along the western boundary of the Mission Garden Estates site is known to contain a wide variety of cultural material and at least one structural feature. Some of the artifacts, building materials and subsistence waste may have been displaced by the unauthorized grading of the neophyte quarters on the upper terrace west of the project site. Other artifacts may have been discarded there as a refuse area during the Mission period occupation of these dwellings. Concentrations of discards have also been observed on the lot to the north of the Diocese property, suggesting that intact and potentially significant deposits may be present at that location. The important information that would be lost by any process that displaces these cultural resources from their primary location and contextual association is considered to represent a significant adverse impact.

The brick and tile kiln built on a stone foundation on the slope below the Diocese property is considered to be one of the few surviving examples of Mission construction of its kind. Grading of the known feature and disturbance or relocation of portions of it would eliminate the opportunity to identify and interpret the feature. Such disturbance is also considered to represent a significant adverse impact.

The construction of erosion control barriers or devices on or impacting the Diocese property may result in disturbance of surviving remnants of the neophyte quarters, refuse deposits, etc.

Any further development within the parcels north or south of the Diocese property, including the provision of access roadways or utility trenches may potentially disturb known or unknown buried deposits within these lots.

It must be acknowledged that any grading or other disturbance of any buried deposits associated with the Native American community would be a significant effect. Any loss of integrity of cultural resources would be contrary to the values and concerns expressed by the Native American Salinan community.

Future occupation of the proposed project may result in the loss of historical artifacts, damage or destruction of cultural features and buried architectural elements through artifact collection and looting or through future project residents' future use or development of their properties. Among the common effects that come with the construction of residential housing near an archaeological site are the inadvertent disturbance of artifacts or their deliberate collection by relic hunters.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, certain potentially significant cultural resources impacts associated with the proposed project as noted above will be reduced to a level of insignificance.

F. Geology and Soils

1. Impacts – Refer to Final EIR pages V-58 through V-61.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures F-1 through F-8 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – Development of the proposed Mission Gardens Estates project will result in the permanent alteration of the existing landform to accommodate the proposed uses. Project grading will primarily occur on approximately 13 acres in order to provide flat pads and excavation necessary for construction of the proposed roads, utilities, drainage facilities and structures.

In order to prepare the site for project construction, a total of 30,000 cubic yards of cut and fill is estimated to be required. Earthwork is estimated to balance on-site with equal amounts (15,000 cubic yards) of cut and fill.

Due to the presence of the Rinconada Fault Zone in close proximity to the project site, the potential for ground shaking due to a seismic event from this fault as well as from other faults in the area is considered high. It is unlikely that ground rupture would impact proposed buildings in this area; therefore, no adverse project impacts in this regard are anticipated.

Development of the proposed Mission Gardens Estates project will result in an increase in surface runoff due to the creation of impervious surfaces such as buildings, roadways, etc. Due to the relatively small area of impervious surfaces proposed (13 acres), storm water runoff rates will not be significantly increased by development of the proposed project.

The proposed project does not place any structures within the 100-year floodplain associated with the Salinas River to the east. According to the 100 Year Flood Analysis, building sites within the proposed project will not be inundated during a 100-year flood event.

Development of the proposed project will alter the composition of surface runoff by the grading of the sites surfaces, by the construction of impervious surfaces (streets, roofs, parking lots, etc.) and the irrigation of landscaped areas.

With the incorporation of the mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant geology and soils impacts associated with the proposed project will be reduced to a level of insignificance.

G. Hazards/Hazardous Materials

1. Impacts – Refer to Final EIR page V-64.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures G-1 and G-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – Although there is no evidence of hazardous materials on the Mission Gardens Estates site, two potential sources of hazards or hazardous waste may occur on the site. Prior agricultural activities may have utilized wells that are no longer used or easily observed. In addition, unauthorized dumping may have occurred.

The developed portion of the project site is located approximately 300 to 500 feet east of the existing Southern Pacific Railroad tracks. With the provision of 60 new homes and 172 new residents, there is an increased potential for unauthorized public access onto or across the Southern Pacific Railroad tracks. Without fencing or other suitable barrier, increased public access to the tracks presents an attraction to the public, particularly to children. Unauthorized public access across the tracks offers a more direct route to destinations to the west, such as Mission Street.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant hazards/hazardous materials impacts associated with the proposed project will be reduced to a level of insignificance.

H. Noise

1. Impacts – Refer to Final EIR pages V-67 through V-70.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures H-1 through H-3 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – Construction noise represents a short-term impact on ambient noise levels. The primary source of construction noise is heavy equipment. Noise generated by construction equipment, including trucks, graders, bulldozers, concrete mixers and portable generators can reach high levels. Grading will generate the highest levels of noise during construction.

Long-term noise impacts from the proposed Mission Gardens Estates project on land uses in the vicinity of the project will result from traffic noise increases. The addition of project traffic onto 11th Street, the primary access route for project traffic, is estimated to result in a maximum noise increase of 0.7 CNEL over existing noise conditions on this roadway. The proposed Mission Gardens Estates project will, therefore, not result in a substantial noise level increase at any sensitive receptors and therefore will not result in a significant noise impact.

The project site is exposed to noise levels of approximately 47 CNEL. Given the distance (800 feet) to the nearest noise source, Mission Street and one-half mile to U.S. Highway 101, the proposed project will not be exposed to severe noise levels.

The adjacent Southern Pacific Railroad tracks will expose project residents to intermittent noise levels and vibration. Noise levels at the project site generated by these railroad tracks, with its current level of use, will not exceed 55 CNEL.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant noise impacts associated with the proposed project will be reduced to a level of insignificance.

I. Police Protection

1. Impacts – Refer to Final EIR pages V-74 through V-75.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measure JP-1 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – The proposed Mission Gardens Estates project involves the construction and occupation of a 60 lot residential subdivision which would generate approximately 172 new residents. With any increase in public use, it can be expected that activities will occur (such as vandalism or trespassing) which, in turn, may require Sheriff's Office response when reported. The proposed project would represent an incremental addition to the regional demand on the currently limited resources of the County Sheriff's Department.

With the incorporation of the mitigation measure as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant police protection impacts associated with the proposed project will be reduced to a level of insignificance.

J. Fire Protection

1. Impacts – Refer to Final EIR pages V-76 through V-77.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures JF-1 through JF-5 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence – The proposed Mission Gardens Estates project involves construction and occupation of a 60 lot residential subdivision which would generate approximately 172 new residents. Development of the proposed project will result in an incrementally increased demand for fire protection and emergency services. This increased demand may, in turn, contribute to the need for additional fire fighters, additional equipment, and/or improvements to existing facilities. The project site lies within an acceptable response time from the nearest fire station.

Primary access to the project site will be via 11th Street east of Mission Street to an easement road leading south to the subject property. The primary access roadway and on-site roadways will contain two travel lanes within a forty foot paved roadway section, a width sufficient to accommodate two-way travel for emergency vehicles entering the site while allowing other vehicles to depart the property. The project proposes to utilize an existing unpaved road at the southern site boundary as a secondary, emergency-only access. This access will be gated at the tract boundary and will be reconstructed to a 16-foot width with an all-weather base. This access will traverse the Southern Pacific Railroad tracks in order to reach Mission Street.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant fire protection impacts associated with the proposed project will be reduced to a level of insignificance.

K. Schools

1. Impacts – Refer to Final EIR pages V-79 through V-80.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measure JS-1 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence – The proposed Mission Gardens Estates project is estimated to generate a total of 40 students based upon student generation factors provided by the San Miguel School District and the Paso Robles Joint Unified School Districts

With the incorporation of the mitigation measure as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant schools impacts associated with the proposed project will be reduced to a level of insignificance.

L. Solid Waste

1. Impacts – Refer to Final EIR pages V-81 through V-82.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures JW-1 and JW-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – The proposed Mission Gardens Estates project will generate increased amounts of solid waste thereby increasing service demands upon local solid waste haulers. Based upon solid waste generation factors provided by the National Solid Waste Association, the proposed project is

estimated to generate approximately 894.4 pounds of solid waste per day or 163.2 tons of solid waste annually. A portion of this total will be recycled.

The proposed project will also generate solid waste during construction. Construction wastes generally consist of lumber, roofing, building materials, concrete, debris, etc. Construction of 60 residences with an average of 2,500 square feet per dwelling unit is estimated to generate a total of approximately 1,200 tons of construction waste.

Development of the proposed project will, through generation of solid waste, incrementally shorten the lifespan of the Chicago Grade Landfill. The proposed project's estimated daily solid waste total represents a 0.09% increase in the maximum daily solid waste stream of the Chicago Grade Landfill.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant solid waste impacts associated with the proposed project will be reduced to a level of insignificance.

M. Energy

1. Impacts – Refer to Final EIR pages V-84 through V-85.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures JE-1 through JE-4 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence – The primary use of natural gas by the proposed project will be for combustion to provide space heating, water heating, cooking and other miscellaneous heating and air conditioning. Project development is estimated to consume an average of 399,900 cubic feet of natural gas per month. The Southern California Gas Company anticipates that sufficient natural gas supplies will be available to meet the natural gas service needs of the proposed project.

The proposed project will also generate the demand for electrical energy primarily for lighting, cooking, appliance use, refrigeration and heating. Project development is estimated to generate an electrical demand of 364,860 kilowatt hours per year. These estimated demands for electrical generating capacity fall within the anticipated service parameters of the Pacific Gas and Electric Company.

Project development will result in the estimated consumption of 318 gallons of gasoline per day.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant energy impacts associated with the proposed project will be reduced to a level of insignificance.

N. Communications Systems

1. Impacts – Refer to Final EIR page V-87.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures JC-1 and JC-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – Development of the proposed project will result in an incrementally increased demand upon the infrastructure and service requirements of SBC and Charter Communications. This additional demand falls within the service parameters of Pacific Bell and Charter Communications.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant communications systems impacts associated with the proposed project will be reduced to a level of insignificance.

O. Recreation

1. Impacts – Refer to Final EIR pages V-88 through V-89.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures K-1 through K-3 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – Development of the proposed Mission Gardens Estates project will result in the creation of an additional demand upon existing park and recreational facilities in the area. However, the addition of 172 new residents is not expected to generate any significant additional demand upon existing park facilities in the San Miguel area. Development of the proposed project will not result in impacts upon or the elimination of any significant recreational use of the project site which currently provides a passive open space function.

With the incorporation of the mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant recreation impacts associated with the proposed project will be reduced to a level of insignificance.

P. Transportation/Circulation

1. Impacts – Refer to Final EIR pages V-92 through V-94.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures L-1 through L-4 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.

3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – According to the project Traffic Analysis, project development is estimated to generate a total of 574 daily vehicle trips. The project will generate 45 morning peak hour vehicle trips and 61 evening peak hour vehicle trips. All of these vehicle trips will utilize 11th Street in order to gain access to Mission Street to the west. Fifteen percent of project traffic is estimated to go north on Mission Street from 11th Street, with 85 percent of project traffic headed to the south. Of these total trips, 20 morning peak hour trips and 42 evening peak hour trips are expected to utilize the Highway 101/10th Street interchange while five morning peak hour and ten evening peak hour trips will utilize the Highway 101/Mission Street interchange.

Within the existing plus project plus cumulative development traffic scenario, which is considered to represent the “worst case” or maximum probable impact scenario, the Mission Street/11th Street and the Highway 101 southbound on-ramp intersections are projected to operate at an acceptable Level of Service B while the Highway 101 northbound on-ramp at 10th Street is projected to operate at an acceptable Level of Service A.

According to the project traffic engineer, due to low traffic volumes after project development, traffic should not back up onto the railroad track which traverses 11th Street east of Mission Street.

The project proposes to utilize an existing unpaved road at the southern site boundary as a secondary, emergency-only access. This access will be gated at the tract boundary and will traverse the railroad tracks in order to reach Mission Street.

The proposed Mission Gardens Estates project will not have a significant impact upon existing transit services. An incremental increase in transit use can be expected as a result of the proposed project but existing transit services are expected to accommodate any increases in transit demand. The closest transit stop is located at Mission Street and 14th Street, approximately one-half mile from the project site.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant transportation/circulation impacts associated with the proposed project will be reduced to a level of insignificance.

Q. Wastewater

1. Impacts – Refer to Final EIR pages V-96 through V-97.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures M-1 and M-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence – Development of the proposed Mission Gardens Estates project will result in the increased demand for wastewater treatment service. The proposed project will result in the generation of 12,000 gallons of wastewater per day.

Sewer service to the proposed project will be provided through a system of 8-inch sewer mains which will be located within the roadways of the proposed project, a sewage lift station located on the east side of the developed portion of the site and a sewer force main leading to the main project access road. This force main will extend to and connect into the existing 8-inch sewer main located in 11th Street. Sewage from the proposed project will flow via off-site transmission lines north to the existing San Miguel Community Services District Wastewater Reclamation Facility. The additional wastewater flows from the proposed project represent a 10.6% addition to the average daily flows to this facility and 6.0% of its design capacity.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant wastewater impacts associated with the proposed project will be reduced to a level of insignificance.

R. Water

1. Impacts – Refer to Final EIR pages V-98 through V-99.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures N-1 through N-7 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence - The proposed Mission Gardens Estates project will result in the increased daily demand for water supplies. Project-related construction activities will require the use of water for grading (dust control) and other construction-related activities. Use of potable water for construction purposes would result in a reduction of available water for the remaining water users in the area.

Development of the proposed project will result in the long-term demand for additional water supplies. The proposed project will require a total of 24,000 gallons per day or approximately 26.87 acre-feet per year

Potable water service to the proposed project will be provided through a system of 8-inch water lines which will be located within the roadways of the proposed project. An off-site water main will be extended north on the project access road to connect to the existing 8-inch water supply line in 11th Street.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant water impacts associated with the proposed project will be reduced to a level of insignificance.

S. Land Use and Planning

1. Impacts – Refer to Final EIR pages V-102 through V-104.

2. Mitigations – Refer to Conditions of Approval and Mitigation Measures 0-1 through 0-3 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.

3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence - Development of the proposed Mission Gardens Estates project will result in the transition of land uses from undeveloped, vacant land to the proposed 60 lot residential subdivision containing roads, utilities, drainage facilities and structures. This land use transition will occur on approximately 13 acres of the 50.61 acre site. Project development will occur within an area that was recently graded and was subject to prior grazing and agricultural operations.

Given the undeveloped nature of the project site and the diverse nature of uses in surrounding areas, the proposed project will not disrupt an established community or overall pattern of development in the San Miguel area.

The existing residence located at the northwest corner of the project site within a proposed remainder parcel raises a land use issue. This existing residence, in combination with the 60 proposed residential lots, results in a total provision of 61 dwelling units on the project site which exceeds the 60 dwelling unit density limitation placed on the site by the County Land Use Ordinance.

The project applicant will be required to insure compliance with the Subdivision Map Act requirements relative to creation of remainder parcels through the redesignation of one of the proposed remainder parcels as either a residential or open space lot

The proposed Vesting Tentative Tract 2527 creates a “landlocked” parcel, i.e. a legal parcel lacking either dedicated or physical access to a public roadway. The parcel located along the western project boundary is currently under the ownership of the Diocese of Monterey. This parcel is surrounded on three sides by Vesting Tentative Tract 2527 and on the west by the Southern Pacific Railroad tracks. With the proposed residential subdivision and an intervening downslope to the west, potential access to this parcel could only occur from the north and south.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant land use and planning impacts associated with the proposed project will be reduced to a level of insignificance.

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SECTION 3

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN IDENTIFIED AS INSIGNIFICANT

Certain impacts were analyzed in the Final EIR which have been identified as insignificant. In certain cases, mitigation measures (as set forth in the Mitigation Monitoring Program) have been incorporated into the Conditions of Approval for the proposed Mission Gardens Estates project.

The County of San Luis Obispo has determined that the following impacts are insignificant.

A. Agricultural Resources

1. Impacts – Refer to Final EIR pages V-7 through V-9.
2. Mitigations – No additional mitigation measures are proposed.
3. Findings – Impacts related to the conversion of the project site to non-agricultural uses, the loss of prime agricultural soils and the creation of development pressures on adjacent agricultural lands are not considered to be significant.
4. Supportive Evidence – see Section 2.A of these Findings.

B. Air Quality

1. Impacts – Refer to Final EIR pages V-19 through V-24.
2. Mitigations – No additional mitigation measures are proposed.
3. Findings – Local, long-term air quality impacts upon areas immediately adjacent to the proposed project are not considered to be significant.
4. Supportive Evidence – See Section 2.C of these Findings.

C. Noise

1. Impacts – Refer to Final EIR pages V-67 through V-70.
2. Mitigations – No additional mitigation measures are proposed.
3. Findings – Long term off-site traffic-related noise impacts and impacts due to aircraft and railroad noise are not considered to be significant.
4. Supportive Evidence – See Section 2.H of these Findings

D. Population and Housing

1. Impacts – Refer to Final EIR pages V-72 through V-73.
2. Mitigations – No mitigation measures are proposed.
3. Findings – The additional population and housing impacts associated with the proposed project are not considered to represent a significant adverse impact.
5. Supportive Evidence – Development of the proposed Mission Gardens Estates project will result in the development of 60 dwelling units with the resultant population generation of 172 new residents. This population and housing generation represents a 10.7% increase over current (2004) County population and housing totals for San Miguel. This additional population will indirectly generate additional demand for utilities and services as well as the need for additional commercial and retail services in the area.

SECTION 4

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The County of San Luis Obispo has determined that certain environmental impacts cannot be feasibly mitigated to a level of insignificance although the Final EIR contains mitigation measures and conditions of approval to be imposed on the proposed project which will provide a substantial mitigation of these effects. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 1 of these Findings) to substantiate the County's decision to accept these unavoidable adverse environmental impacts because of the benefits afforded by the proposed project.

A. Cultural Resources

1. Impacts – Refer to Final EIR pages V-49 through V-50.
2. Mitigations – The direct loss of the historical integrity of the neophyte housing and adjacent areas due to the previously-conducted unauthorized grading cannot be mitigated to an insignificant level in spite of Mitigation Measures E-1 through E-3. This significant, unavoidable adverse impact will require adoption of a Statement of Overriding Considerations by the Lead Agency.
3. Findings –
 - a. Specific economic, social, legal, technical or other considerations make the alternatives identified in the Final Environmental Impact Report infeasible. However, conditions of approval and features incorporated into the proposed project will reduce, to the extent feasible, the adverse environmental effect.
4. Supportive Evidence – The project site and adjacent properties to the west were the subject of premature site work and improvements which occurred during the summer of 2003. These grading activities that occurred on the adjacent Diocese property unearthed the east perimeter wall, interior room partition foundations and hearths within the neophyte housing quadrangle found on that property. Specifically, this unauthorized grading affected 1,092 square meters, resulting in the destruction or disturbance of approximately 31 neophyte dwelling rooms, including foundations, fire hearths, floors and walls. In addition, approximately 2,306 square meters with refuse areas and at least one important feature were disturbed on the adjacent slope.

The slope separating the upper terrace from the lower plain was strewn with animal bone, Mission-period roof and floor tile fragments, stone artifacts and flakes, historic ceramics, ash and other cultural material. A brick and tile feature

identified as a kiln, located at the western edge of the Mission Gardens Estates site, was also disturbed and damaged.

Mission Gardens Estates land east of the neophyte housing quadrangle was also disturbed. The actual extent of disturbance or resource loss on the lower terrace is unknown, but limited investigation encountered at least two deposits.

Any intrusion or disturbance of the neophyte quarters at Mission San Miguel is considered to be a significant impact. Except for the small remnant of standing adobe along the northern wall, no evidence that could testify to either architecture or the life of the neophytes remains above the ground. Archeological information lost during the unauthorized grading includes structural remains, room interiors, hearths, "front yards," "rear yards," the central courtyard and all associated cultural materials or deposits. The resulting destruction of architectural elements, including adobe bricks, exterior and interior stone foundations, floors and door sills is considered to represent a significant loss.



SECTION 5

GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

The State CEQA Guidelines (Section 15126 (g)) require an EIR to discuss how a proposed project could directly or indirectly lead to economic, population or housing growth. A project may be growth-inducing if it removes obstacles or impediments to growth, taxes community service facilities or encourages other activities or sets precedents which cause significant environmental effects. The potential growth-inducing impacts of the proposed project are discussed below in terms of these criteria.

Economic, Population or Housing Growth

The proposed Mission Gardens Estates project will result in the development of 60 dwelling units with the resultant population generation of 172 new residents. This population estimate is based upon a factor of 2.86 persons per dwelling unit which reflects the current persons per household average for San Miguel. This population and housing generation represents a 10.7% increase over current (2004) population and housing totals of San Miguel. This additional population will indirectly generate additional demand for utilities and services as well as the need for additional commercial and retail services in the area.

Removal of an Impediment to Growth

In order to fully evaluate whether the proposed Mission Gardens Estates project results in the removal of an impediment to growth, the proposed project in relation to its surroundings must be considered. The Mission Gardens Estates project site is situated in an area characterized by single family residential development, commercial and institutional (Mission San Miguel) land uses adjacent to Mission Street, agricultural uses and vacant land. Areas surrounding the project site contain a mobilehome park and residential uses (north of the site), the Southern Pacific Railroad tracks, industrial and commercial uses along Mission Street and Mission San Miguel (west of the site), agricultural uses and vacant land (south of the site) and the Salinas River, vacant land and scattered residences (east and northeast of the site). Project approval could encourage development in agricultural areas south of the site and vacant areas to the west. Development of these adjacent areas would require amendments to the San Miguel Urban Area Design Plan and the County General Plan. This indirect impact upon adjacent lands is not considered to represent a significant impact.

The proposed project is expected to require the improvement of on-site roadways and infrastructure facilities to serve the developed project. All of these infrastructure facilities (roadways, water mains and utility connections) will emanate from 11th Street north of the project site. These infrastructure connections will be sized to serve only the proposed project and will not be oversized to serve other adjacent parcels. None of the required utility improvements will extend beyond the site boundaries or through any other properties nor are they currently anticipated to serve any other vacant properties adjacent to the project site. None of the proposed project infrastructure facilities will contribute to the inducement of growth or development in adjacent areas. Adjacent open space areas to the east are constrained for growth due to the 100-year floodplain associated with the Salinas River. This constraint further reduces the potential for

extension of roadways, utilities or developed uses into adjacent areas to the east and southeast of the project site.

Impact on Community Service Facilities

The proposed Mission Gardens Estates project is not expected to significantly impact public services or utilities (police and fire protection, schools, solidwaste, energy and communications systems), water service and wastewater treatment.

Precedent-Setting Effects

Precedent setting concerns are defined as the ability of a project to set an example of what can be achieved on parcels with similar land use designations and parcels of land situated in similar locations within the project area and with similar constraints. Parcels of land potentially susceptible to precedent-setting effects of the proposed project include open space areas to the east and south. The proposed project would convert 13 acres of vacant land to residential land uses. Project approval could increase pressure on the site's owners to convert the remainder parcel located along the western portion of the subject property, to residential land uses in the future.

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SECTION 6

FINDINGS REGARDING ALTERNATIVES

Alternatives to the proposed project described in the Final Environmental Impact Report were considered. The alternatives discussed in the Final EIR constitute a reasonable range of potential options necessary to permit a reasoned choice. The Final EIR identified the No Project Alternative, the Resource Avoidance Alternative A, the Resource Avoidance Alternative B and the Resource Avoidance Alternative C as “environmentally superior” to the recently amended project design but approves the proposed project with the Conditions of Approval and Final EIR mitigation measures which will provide a substantial mitigation of the potential environmental effects. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (See Section 1 of these Findings) to substantiate the County’s decision to reject the environmentally preferred alternatives because of the benefits afforded by the proposed project.

A. No Project Alternative

Description of Alternative: The No Project Alternative would retain the project site in its present condition and land use. The project site is currently vacant with the exception of one single family residence and other auxiliary structures. The project site is currently utilized for limited grazing activities.

Comparison of Effects: The No Project Alternative would eliminate all of the environmental effects of the proposed project identified in Sections 2 through 4 herein, including all significant unavoidable adverse impacts associated with the proposed project. It is therefore, considered an “environmentally superior” alternative.

Findings: After comparing the relative impacts and benefits of the proposed project and the No Project Alternative, the County of San Luis Obispo did not select this Alternative. However, Conditions of Approval, monitored mitigation measures and features incorporated into the proposed project, as described in Sections 2 and 3 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The No Project Alternative fails to meet several of the project objectives including: 1) provide single family residential land uses; 2) provide a clustered project design; 3) provide required roadway improvements and safe access and 4) provide an adequate infrastructure system. This Alternative meets the following project objective at a level which is significantly less than that provided by the proposed project: 1) maintain consistency with County land use plans. The No Project Alternative also eliminates the other benefits associated with the proposed project as listed in Section 1 of these Findings. For these reasons, the No Project Alternative was rejected.

B. Resource Avoidance Alternative A

Description of Alternative: Resource Avoidance Alternative A was developed in an effort to avoid impacts to the slope which runs along the western boundary of the Mission Garden Estates site which is known to contain a wide variety of cultural material and at least one structural feature. Some of the artifacts, building materials and subsistence waste may have been displaced by the unauthorized grading of the neophyte quarters on the upper terrace west of the project site. Other artifacts may have been discarded there as a refuse area during the Mission period occupation of these dwellings. The important information that would be lost by any process that displaces these cultural resources from their primary location and contextual association is considered to represent a significant adverse impact. The brick and tile kiln built on a stone foundation on the slope below the Diocese property is considered to be one of the few surviving examples of Mission construction of its kind. Grading of this feature and disturbance or relocation of portions of it would eliminate the opportunity to identify and interpret the feature. Such disturbance is also considered to represent a significant adverse impact.

Resource Avoidance Alternative A creates a single residential lot out of the originally-proposed residential lots 13 and 14. This larger lot 13 will contain a single residence and a deed restriction to avoid the brick and tile kiln feature at this location. The remaining lot is relocated elsewhere within the currently-proposed 12.41 acre development area. As such, the total number of proposed residential lots remains unchanged. In addition, the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural material, will also be preserved within a cultural resources avoidance zone.

Comparison of Effects: The topography of the project site will be altered in order to prepare the site for the uses proposed within Resource Avoidance Alternative A. This Alternative involves an amount of developed area similar to the proposed project. Both this alternative and the proposed project are located in an area that possesses a relatively uniform topography and sheet flow drainage pattern. As such, the extent of grading and the associated impacts on the site landform, geologic conditions and site drainage with this Alternative is expected to be similar to those impacts associated with the proposed project.

Resource Avoidance Alternative A generates a number of vehicle trips identical to the proposed project and will utilize the same access via 11th Street to Mission Street. Impacts to existing (near-term) and future (cumulative) traffic levels associated with the Resource Avoidance Alternative A will be identical to those associated with the proposed project. Impacts related to site access and parking will also be similar between this Alternative and the proposed project. Air quality and noise impacts based upon project-related vehicular use are also expected to be similar.

Development of Resource Avoidance Alternative A is expected to result in similar impacts to biological resources as compared to the proposed project due to the similar extent of project grading and the similar amount of developed area and number of residential lots.

Resource Avoidance Alternative A will provide the same proposed uses within the 12.41 acre development area which is identical in size to the proposed project. This Alternative conforms to the County General Plan and applicable County land use ordinances and policies in a manner similar to the proposed project.

Development of the Resource Avoidance Alternative A will result in the generation of visual impacts similar to those associated with the proposed project due to the similar extent of project grading and the similar amount of developed area and number of residential lots. Resource Avoidance Alternative A will result in similar light and glare levels as compared to those associated with the proposed project.

Due to the similar size and scale of the Resource Avoidance Alternative A as compared to the proposed project, similar impacts to existing public services and utilities will result.

Resource Avoidance Alternative A reduces impacts related to previously-conducted, unauthorized grading activities in a manner similar to the proposed project. This Alternative mitigates impacts related to project grading and construction as well as impacts associated with project occupation in a manner which exceeds that associated with the proposed project. This Alternative is intended to protect the brick and tile kiln feature on the slope below the Diocese property through a deed restriction on a single residential lot. This Alternative also protects the upper portion of the slope that runs along the western boundary of the project site which is known to contain a wide variety of cultural material within a cultural resources avoidance zone. This Alternative satisfies Mitigation Measure E-4 which requires protection of these cultural resources at a level which exceeds that associated with the proposed project. While the placement of a deed restriction provides a mechanism for legal protection, the resource area will still be within the yards of private dwellings. There remains a likelihood of impacts as a result of long term impacts from property owner activities such as landscaping and minor land alterations. While the Resource Avoidance Alternative A does not eliminate the significant unavoidable adverse impacts to cultural resources due to prior grading activities, it reduces impacts to remaining cultural resources found on-site.

Findings: After comparing the relative impacts and benefits of the proposed project and the Resource Avoidance Alternative A, the County of San Luis Obispo did not select this Alternative. However, subsequent to the identification of this alternative, the applicant revised the project to incorporate some of the components of Alternative A including placement of the kiln location and the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural material, within a cultural resources avoidance zone through an open space easement. In addition, Conditions of Approval, monitoring mitigation measures and features incorporated into the proposed project, as described in Sections 2 and 3 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Resource Avoidance Alternative A meets the following project objectives in a manner similar to the proposed project: 1) provide single family residential land uses; 2) provide a clustered project design; 3) provide required roadway improvements and safe access; 4) maintain consistency with County land use plans and 5) provide an adequate infrastructure system. However, the recently amended project design also accomplishes the goal of cultural resource avoidance in a manner similar to Resource Avoidance Alternative A. For this reason, Resource Avoidance Alternative A was rejected.

C. Resource Avoidance Alternative B

Description of Alternative: Resource Avoidance Alternative B was developed in an effort to avoid impacts to the slope which runs along the western boundary of the Mission Garden Estates site which is known to contain a wide variety of cultural material and at least one structural feature, a brick and tile kiln built on a stone foundation on the slope below the Diocese property which is considered to be one of the few surviving examples of Mission construction of its kind.

Resource Avoidance Alternative B relocates both proposed residential lots 13 and 14 elsewhere within the currently-proposed 12.41 acre development area. As such, the total number of proposed residential lots remains unchanged. An open space lot is provided at the location of the brick and tile kiln feature which is located on the slope below the Diocese property. In addition, the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural material, will also be preserved with a cultural resources avoidance zone. Resource Avoidance Alternative B provides more buffer area between project development and these resources than Resource Avoidance Alternative A.

Comparison of Effects: The topography of the project site will be altered in order to prepare the site for the uses proposed within Resource Avoidance Alternative B. This Alternative involves an amount of developed area similar to the proposed project. Both this alternative and the proposed project are located in an area that possesses a relatively uniform topography and sheet flow drainage pattern. As such, the extent of grading and the associated impacts on the site landform, geologic conditions and site drainage with this Alternative is expected to be similar to those impacts associated with the proposed project.

Resource Avoidance Alternative B generates a number of vehicle trips identical to the proposed project and will utilize the same access via 11th Street to Mission Street. Impacts to existing (near-term) and future (cumulative) traffic levels associated with the Resource Avoidance Alternative B will be identical to those associated with the proposed project. Impacts related to site access and parking will also be similar between this Alternative and the proposed project. Air quality and noise impacts based upon project-related vehicular use are also expected to be similar.

Development of Resource Avoidance Alternative B is expected to result in similar impacts to biological resources as compared to the proposed project due to the similar extent of project grading and the similar amount of developed area and number of residential lots.

Resource Avoidance Alternative B will provide the same types of proposed uses within the 12.41 acre development area which is identical in size to the proposed project. This Alternative conforms to the County General Plan and applicable County land use ordinances and policies in a manner similar to the proposed project.

Development of the Resource Avoidance Alternative B will result in the generation of visual impacts similar to those associated with the proposed project due to the similar extent of project grading and the similar amount of developed area and number of residential lots. Resource Avoidance Alternative B will result in similar light and glare levels as compared to those associated with the proposed project.

Due to the similar size and scale of the Resource Avoidance Alternative B as compared to the proposed project, similar impacts to existing public services and utilities will result.

Resource Avoidance Alternative B reduces impacts related to previously-conducted, unauthorized grading activities in a manner similar to the proposed project. This Alternative mitigates impacts related to project grading and construction as well as impacts associated with project occupation in a manner which exceeds that associated with the proposed project. This Alternative is intended to protect the brick and tile kiln feature on the slope below the Diocese property through the provision of an open space lot at this location. This Alternative also protects the upper portion of the slope that runs along the western boundary of the project site which is known to contain a wide variety of cultural material within a cultural resources avoidance zone. This Alternative satisfies Mitigation Measure E-4 which requires protection of these cultural resources at a level which exceeds that associated with the proposed project. While the brick and tile kiln feature is protected with this Alternative, there is still potential for impacts to these resources due to project occupancy and inadvertent land alteration. While the Resource Avoidance Alternative B does not eliminate the significant unavoidable adverse impacts to cultural resources due to prior grading activities, it reduces impacts to remaining cultural resources found on-site.

Findings: After comparing the relative impacts and benefits of the proposed project and Resource Avoidance Alternative B, the County of San Luis Obispo did not select this Alternative. However, Conditions of Approval, monitored mitigation measures and features incorporated into the proposed project, as described in Sections 2 and 3 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Resource Avoidance Alternative B meets the following project objectives in a manner similar to the proposed project: 1) provide single family residential land uses; 2) provide a clustered project design; 3) provide required roadway improvements and safe access; 4) maintain consistency with County land use plans and 5) provide an adequate infrastructure system. However, the recently amended project design also accomplishes the goal of cultural resource avoidance in a manner similar to Resource Avoidance Alternative B. For this reason, Resource Avoidance Alternative B was rejected.

D. Resource Avoidance Alternative C

Description of Alternative: Resource Avoidance Alternative C was developed in an effort to avoid impacts to the slope which runs along the western boundary of the Mission Garden Estates site which is known to contain a wide variety of cultural material and at least one structural feature, a brick and tile kiln on a stone foundation on the slope below the Diocese property which is considered to be one of the few surviving examples of Mission construction of its kind.

Resource Avoidance Alternative C provides a reconfigured roadway system within the area proposed for residential development. An on-site local roadway is located immediately adjacent to the slope that runs along the western site boundary. Seven residential lots are relocated elsewhere within the currently-proposed 12.41 acre development area. Six residential lots are lost within this roadway reconfiguration. As such, this Alternative contains 54 residential lots, a reduction of six lots from the originally proposed total of 60 units. This Alternative utilizes a roadway to provide buffer area for the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural materials and the brick and tile kiln feature, both which will be preserved with this Alternative. This Alternative provides the greatest amount of buffer area between project development and these resources as compared to Resource Avoidance Alternatives A and B.

Comparison of Effects: The topography of the project site will be altered in order to prepare the site for the uses proposed within Resource Avoidance Alternative C. This Alternative involves an amount of developed area similar to the proposed project. Both this Alternative and the proposed project are located in an area that possesses a relatively uniform topography and sheet flow drainage pattern. As such, the extent of grading and the associated impacts on the site landform, geologic conditions and site drainage with this Alternative is expected to be similar to those impacts associated with the proposed project.

Resource Avoidance Alternative C generates approximately 10% fewer a number vehicle trips as compared to the proposed project but will utilize the same access via 11th Street to Mission Street. Impacts to existing (near-term) and future (cumulative) traffic levels associated with the Resource Avoidance Alternative C will be incrementally reduced by 10% as compared to those associated with the proposed project. Impacts related to site access and parking will be similar between this Alternative and the proposed project. Air quality and noise impacts based upon project-related vehicular use are also expected to be reduced by approximately 10% as compared to the proposed project.

Development of Resource Avoidance Alternative C is expected to result in similar impacts to biological resources as compared to the proposed project due to the similar extent of project grading and the similar amount of developed area.

Resource Avoidance Alternative C will provide the same type of proposed uses within the 12.41 acre development area as the proposed project. However, this Alternative contains six fewer residential lots which resolves potential impacts related to the proposed project's conformity with the 60 dwelling unit density limitation placed on the site by the County Land Use Ordinance. As noted in Section V.O. Land Use and Planning, the existing on-site residence may be removed or a single lot eliminated from the currently proposed 60-lot subdivision in order to not exceed this limitation. This potential conflict is eliminated with this Alternative.

Development of the Resource Avoidance Alternative C will result in reduced generation of visual impacts as compared to those associated with the proposed project due to the reduced number of residential lots. Resource Avoidance Alternative C will result in incrementally reduced light and glare levels as compared to those associated with the proposed project.

Due to the reduced number of residential lots within Resource Avoidance Alternative C as compared to the proposed project, incrementally reduced impacts to existing public services and utilities will result.

Resource Avoidance Alternative C reduces impacts related to previously-conducted, unauthorized grading activities in a manner similar to the proposed project. This Alternative mitigates impacts related to project grading and construction as well as impacts associated with project occupation in a manner which exceeds that associated with the proposed project. This Alternative provides a roadway buffer to insure preservation of the brick and tile kiln feature on the slope below the Diocese property as well as the upper portion of the slope that runs along the western boundary of the project site which is known to contain a wide variety of cultural material which will be within a cultural resources avoidance zone. Resource Avoidance Alternative C provides more buffer area than Resource Avoidance Alternatives A and B. This Alternative eliminates the potential for inadvertent impacts to these resources due to project occupancy. This Alternative satisfies Mitigation Measure E-4 which requires protection of these cultural resources at a level which exceeds that associated with the proposed project. While the Resource Avoidance Alternative C does not eliminate the significant unavoidable adverse impacts to cultural resources due to prior grading activities, it reduces impacts to remaining cultural resources found on-site.

Findings: After comparing the relative impacts and benefits of the proposed project and Resource Avoidance Alternative C, the County of San Luis Obispo did not select this Alternative. However, subsequent to the identification of this alternative, the applicant revised the project to incorporate some of the components of Alternative C including placement of the kiln location and the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural material, within a single parcel and protecting it through a cultural resources avoidance zone through an open space easement. In addition, Conditions of Approval, monitoring mitigation measures and features incorporated into the proposed project, as described in Sections 2 and 3 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Resource Avoidance Alternative C meets the following project objectives in a manner similar to the proposed project: 1) provide a clustered project design; 2) provide required roadway improvements and safe access; 3) maintain consistency with County land use plans and 4) provide an adequate infrastructure system. This Alternative meets the following objective at a level which is less than that provided by the proposed project: 1) provide single family residential land uses. However, the recently amended project design also accomplishes the goal of cultural resource avoidance in a manner similar to Resource Avoidance Alternative C. For this reason, Resource Avoidance Alternative C was rejected.

E. Alternate Land Uses

Description of Alternative: Alternate Land Uses considered in the Final EIR include: 1) commercial land uses; 2) industrial land uses or 3) institutional land uses such as a school, library, museum or church.



Comparison of Effects: The topography of the project site will be altered to prepare the site for the Alternate Land Uses noted above. The amount of developed area and extent of grading will vary significantly among the range of alternate land uses depending upon the nature of the land uses proposed. The impacts on the site landform, geologic conditions and site drainage is likely to be similar to the proposed project in the case of the institutional land uses noted above or greater than those associated with the proposed project in the case of commercial or industrial land uses.

The number of automobile trips generated by the Alternate Land Uses noted above will vary significantly. Traffic impacts as well as associated noise and air quality impacts would likely be less than the proposed project for the institutional land uses noted above. Commercial or industrial land uses would likely have higher traffic volumes on weekdays with lower traffic volumes on weekends as compared to the proposed project. Traffic impacts as well as noise and air quality impacts would differ from the proposed project in a similar manner.

Development of the Alternate Land Uses noted above will likely result in similar impacts to biological resources as compared to the proposed project.

The Alternate Land Uses noted above vary significantly in character and function as compared to the proposed project. None of the alternative land uses noted above conform to the County General Plan which designates the Mission Gardens Estates site for future development with sixty residential lots. Development of any of the alternate land uses would, therefore, require a General Plan Amendment.

Development of the Alternate Land Uses noted above will result in visual impacts and light and glare impacts that will vary significantly depending upon the nature and extent of the uses proposed. The institutional land uses noted above would likely have similar visual impacts as compared to the proposed project. Commercial and industrial land uses would likely have increased visual impacts as compared to the proposed project.

Development of the Alternate Land Uses noted above will result in impacts to public services and utilities that will vary significantly depending upon the nature and extent of the uses proposed. The institutional land uses noted above would likely have similar or reduced public services and utilities impacts as compared to the proposed project. Commercial and industrial land uses would have increased public services and utilities demands as compared to the proposed project.

Development of the Alternate Land Uses noted above will result in impacts to cultural resources that will vary significantly depending upon the nature of the land uses proposed and its detailed design. Land uses that provide an adequate buffer to areas containing known cultural resources, those being the Diocese property and the upper portion of the slope that runs along the western boundary of the project site will reduce potential impacts to these resources. While these Alternative Land Uses do not eliminate the significant unavoidable adverse impacts to cultural resources due to prior grading activities, they may reduce impacts to remaining cultural resources found on-site.

Findings: Conditions of Approval and monitored mitigation measures, as described in Sections 2 and 3 of these Findings, will reduce the environmental effects of the proposed project.

Facts: The Alternate Land Uses noted above will fail to meet the following project objectives; 1) provide single family residential land uses; and 2) maintain consistently with County land use plans. These Alternate Land Uses can meet the following project objectives in a manner less than or similar to the proposed project depending upon the project design: 1) provide a clustered project design; 2) provide required roadway improvements and safe access and 3) provide an adequate infrastructure system. The Alternate Land Uses will result in significant cultural resources impacts similar to the proposed project. For these reasons, the Alternative Land Uses were rejected

F. Alternative Project Sites

Based upon a review of other cumulative projects in the San Miguel area, four other residential projects totaling approximately 60 dwelling units or residential lots and two apartment buildings are currently proposed within the San Miguel area of unincorporated San Luis Obispo County. In addition, a total of six residential projects totaling no less than 120 residential dwelling units were recently approved in the area.

Facts: Several locations throughout the San Miguel area were evaluated in the Final EIR for their feasibility as alternate project sites. The analysis of these alternative locations was constrained due to the lack of parcels within San Miguel of similar size which were not already developed or under the ownership of institutions unwilling to develop their properties. For this reason, the alternative project sites were rejected.

SECTION 7

FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a) (1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the proposed project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment.

The County of San Luis Obispo hereby finds and accepts that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potential environmental impacts.

SECTION 8

SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the County of San Luis Obispo has made one of more of the following findings with respect to the significant effects of the proposed project:

- a. Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Final Environmental Impact Report.
- b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
- c. Specific economic, social, legal, technical or other considerations make the mitigation measures or alternatives identified in the Final Environmental Impact Report infeasible.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing findings:

- a. All significant effects on the environment due to the proposed project have been eliminated or substantially lessened where feasible as discussed in Sections 2 and 3 of these Findings.
- b. The benefits of the proposed project set forth in the foregoing Statement of Overriding Considerations, as noted in Section 1 of these Findings, outweigh any remaining significant effects of the project on the environment found to be unavoidable.



Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☒ Development Plan ☐ Variance
☐ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☒ Other Tract Map

File Number: SA 300110/TR03-2527, Mission Gardens Estates, Inc.

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☐ Subdivision Review Board ☒ Planning Commission ☐ Other _____

Date the application was acted on Nov. 10, 2005

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (attach additional sheets if necessary). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

see attached

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (attach additional sheets if necessary)
46C	see attached

APPELLANT INFORMATION

Print name: Mission Garden Estates / John Bekher
412 Marsh Street, San Luis Obispo, Ca 93401 Phone Number (daytime): 542-9900
Address: _____

We have completed this form accurately and declare all statements made here are true.

Signature: [Signature]

Date: 11/22/05

OFFICE USE ONLY

Date Received: 11/23/05
Amount Paid: \$604.00

By: Chris Mace, Secretary 781-5708
Receipt No. (if applicable): 781-5708 Revised 7/31/01/ep

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • 1-800-834-4626

EMAIL: ipcplng@slonet.org

FAX: (805) 781-1242

WEBSITE: <http://www.slocoplanning.com>

APPEAL OF MISSION GARDEN ESTATES
CONDITION 46C OF THE PLANNING COMMISSION'S APPROVAL OF
NOVEMBER 10, 2005

Condition of Approval No. 46C results in a \$1.8 million penalty assessed against the Applicant, Mission Garden Estates ("Applicant"), as "mitigation" for an alleged "destruction" of archeological resources on the San Miguel Mission property, immediately adjacent to the project site. Not only is this fee in excess of limits allowed by State law, the condition ignores the \$250,000 spent to date by the Applicant which should be credited toward the fee. Moreover, the action by the Planning Commission ignored the Applicant's offer to fund the opening of a Salinan Indian museum in San Miguel in lieu of payment of funds to be managed by the Mission, as provided in Condition 46C.

Public Resources Code, Section 21083.2 limits the costs which can be imposed on a housing project applicant to 3/4 of 1% of the projected cost of the project plus \$200 per house. As outlined in correspondence to the Planning Commission, this would allow the County to charge no more than the \$250,000 already expended to date on this archeological investigation and re-mediation. In fact, the record shows the archeological resource in question was not destroyed, only uncovered.

The mitigation/penalty proposed is computed by assigning the outrageous cost of \$17,000 per cubic meter disturbed, based on estimates by the consultants hired by the County. This penalty would add \$30,000 per lot to what might have been the most-affordable housing project currently being produced in the County to date. It defies the imagination how adding \$30,000 to the cost of single-family entry level homes advances the best interest of the County.

The findings of the overriding consideration should be augmented by the following list:

1. The project provides 59 entry level homes, addressing a major need in this County.
2. The project provides an equestrian trail easement for persons using the Salinas River corridor. The project also provides large areas of privately held open space and the creation of public open space.
3. There will be an increase in the tax base from \$500,000 to as much as \$25,000,000.
4. School fees of over \$200,000 will be generated from houses constructed, which fees are badly needed due to declining enrollment in the County.
5. A sewer lift station is oversized to handle 100 additional new units.

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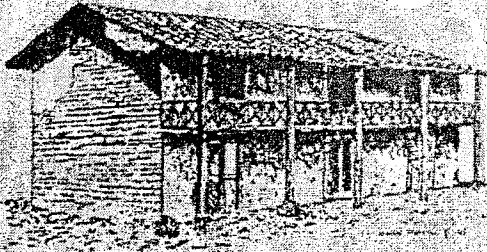
6. The project will offer special financing for first time home buyers.
7. Home buyers will be required to occupy homes for a minimum of 6 months before they are allowed to market their properties.

Mitigation acceptable to the Applicant include the following:

1. Subsurface investigation of the remainder lots south of the Diocese property and on Lot 1 in the area of future road or access development.
2. Efforts to preserve the above-ground remnant of the north wall of this facility if the Diocese will cooperate.
3. Archeological investigation of the brick and tile [or possible rendering] kiln. [Plans are in place to provide and develop a Salinan Tribes Museum to honor the Salinas Indian tribes and to place models of the kiln in that museum.]
4. Application for inclusion of materials excavated for the site for inclusion in the Californian Register of Historical Resources.
5. Incorporation of informational materials appropriate for distribution at the Mission showing the Mission at different stages of its construction and alterations.
6. A mitigation monitoring plan which will include Native Americans and many oversight activities relating to anticipated work at the site.

The Applicant proposes rather than give hundred of thousands of dollars to Mission non-profits, a museum should instead be established to honor the Salinan people, as well as show the public the history so jealously guarded by this CEQA process. A letter from the Friends of the Adobes (which manages the Rios Caledonia Adobe) supports this laudable goal. Alternative Condition 46C accomplishes this effort.

Should the County press forward with its "penalty" as mitigation, the Applicant should be credited with sums spent to date an archeological work and study as well as the \$75,000 raised for the Mission by Applicant principal, Gordon Marshall



FRIENDS OF THE ADOBES

INCORPORATED OCTOBER 17, 1968

P. O. BOX 328

SAN MIGUEL, CALIFORNIA 93451

Mr. Gordon Marshall
Mission Garden Estates
179 Niblick Road #406
Paso Robles, CA 93446

27 October, 2005


cc Joyce Herman, Administrator

Gordon

Thank you for meeting with us, the Board of Directors of the Friends of the Adobes Inc, relative to valuable additions to our Museum and grounds. Your generous donation will enhance the historical information available to the public. A significant portion of the public that visit the Adobe are California school children during the fourth grade history curriculum.

We, The Friends of the Adobes Inc, have the responsibility for the preservation, presentation, and operation of the historic Rios-Caledonia Adobe located on the south end of San Miguel. We gratefully accept the historical materials to enhance our presentation of the times and events occurring at the time of the construction of the Rios-Caledonia Adobe. The display materials supplied by you will greatly expand the materials available for the many visitors that visit the Adobe each week.

Thank you,


Robert Tullock, Chairman

Friends of the Adobes Board of Directors

ca
al

BELSHER & BECKER

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412 MARSH STREET
SAN LUIS OBISPO, CALIFORNIA 93401

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November 10, 2005

San Luis Obispo Planning Commission
County Government Center
San Luis Obispo, CA 93408

RE: Tract 2725 (Mission Garden Estates, Inc.)

Dear Commissioners:

This firm represents the applicant and developers of the referenced Mission Garden Estates project. We have reviewed the proposed findings and conditions, as well as the final Environmental Impact Report for the project. The project applicant is in agreement with the findings and conditions with the exception of certain conditions relating to mitigations associated with impacts to archeological resources.

While there is some debate, in our view, as to whether the impacts to archeological resources which were uncovered, studied and then covered back up again, is "significant" under the terms of CEQA, it is undoubtedly best for this project applicant to agree there may be significant impacts and to support adoption of Findings of Overriding Considerations in the CEQA determination, justifying and allowing approval of the project. Accordingly, your attention is directed to the Findings for Overriding Consideration, Agenda Package 6-42 to 6-43, listing the significant social and economic benefits to the County of San Luis Obispo and the community of San Miguel from this project. In addition to those listed (11) points, there are additional bases which can be adopted by the Commission to support the findings for denial:

1. The project provides 59 entry level homes, addressing a major need in this County.
2. The project provides an equestrian trail easement for persons using the Salinas River corridor. The project also provides large areas of privately held open space and the creation of public open space.
3. There will be an increase in the tax base from \$500,000 to as much as \$25,000,000.
4. School fees of over \$200,000 will be generated from houses constructed, which fees are badly needed due to declining enrollment in the County.

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SLO Planning Commission
November 10, 2005
Page 2

5. A sewer lift station is oversized to handle 100 additional new units.
6. The project will offer special financing for first time home buyers.
7. Home buyers will be required to occupy homes for a minimum of 6 months before they are allowed to market their properties.

There is a waiting list of over 150 people for the 59 homes to be created by this project. There is no doubt that there is an overwhelming need for this type of housing in the County and, particularly in the community of San Miguel.

Weighing against overriding considerations is the finding of significance in terms of impacts on archeological resources from activities undertaken in advance of the project under consideration. The alleged illegal grading took place pursuant to stockpile and ag drainage permits, issued by the County. Unfortunately, the access road cut into a bank, triggering a grading permit. A mis-read survey marker led to mistaken grading on property owned by the Mission, some 10 feet inside the property line. As a result of this activity, the floors of approximately 11 or 12 neophyte dwelling rooms (cells) were uncovered. Historical records emphasize or indicate that the neophyte dwellings were constructed in 1805 and 1806. Several mitigation measures have been developed in addition to the nearly \$200,000 of archeological work done to date by the direction of the County in order to identify the resources uncovered by the mistaken excavation. Many of these mitigation measures are acceptable to the Applicant. These include the following:

1. Subsurface investigation of the remainder lots south of the Diocese property and on Lot 1 in the area of future road or access development.
2. Efforts to preserve the above-ground remnant of the north wall of this facility if the Diocese will cooperate.
3. Archeological investigation of the brick and tile [or possible rendering] kiln. [Plans are in place to provide and develop a Salinan Tribes Museum to honor the Salinas Indian tribes and to place models of the kiln in that museum.]
4. Application for inclusion of materials excavated for the site for inclusion in the Californian Register of Historical Resources.

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5. Incorporation of informational materials appropriate for distribution at the Mission showing the Mission at different stages of its construction and alterations.
6. A mitigation monitoring plan which will include Native Americans and many oversight activities relating to anticipated work at the site.

The foregoing mitigation measures will cost an additional \$85,000 (including \$10,000 payment to the Church for surveying and other work in conjunction with the archeological work and fencing of the property), in addition to the \$214,531 already expended to date on archaeological work for this project from the original archaeological investigation by Clay Singer.

On top of these thorough mitigation measures, staff and its consultant have developed a novel condition imposing a monetary penalty claimed to be "mitigation". This claim is not based on sound science nor is it appropriate to impose such a penalty through the CEQA process. Since all mitigation measures are required by CEQA to be feasible, both economically and physically, this mitigation does not pass legal muster. Condition to Tract Map 46C requires as follows:

- "C. Developer estimates for the cost of archeological excavating of 31 neophyte rooms (equaling approximately 1,054 square meters) on the Diocese property as an offset for the impact that occurred due to the illegal grading of the Diocese's property and the subject site. The total estimated volume of material destroyed and subject to mitigation is approximately 105.4 cubic meters. A payment program should be developed phased with the development of the Tract that provides the equivalent of excavation of 100% of the disturbed volume. Money shall be paid by the project applicant with credit from funds utilized from prior testing during the EIR of evaluation. Credit shall not be given for those studies that evaluated resources or impacts on the project sites (TR 2527). These funds shall be held in trust for the California Missions Studies Association, California Missions Foundation or a comparable non-profit to be used for historical or archeological studies, or restoration activities (no more than 50%) of resources or sites associated with San

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Attorneys at Law

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Miguel Mission. Preference of use of the funds shall to be given to studies or resources related to Native American culture at the Mission. The program, payment phasing and fund administering organization shall be approved by the County of San Luis Obispo in consultation with the State of California Office of Historical Preservation."

The monetary penalty recommended by this mitigation measure would amount to \$1.785 million dollars per the Planning staff's calculations of \$17,500 per cubic meter and 105 "destroyed" cubic meters of dirt. There is a serious flaw in logic in claiming that there was 105 cubic meters of dirt "destroyed" when only overburden on top of the neophyte quarters leveled for a housing project during WWII took place. Moreover, the amount of the penalty far exceeds the amount which can be charged a developer for mitigation with respect to archaeological resources under Public Resources Code §21083.2. That section limits the total expenditures which can be required of an applicant to three quarters of one percent of the projected cost of the project plus \$200 for 58 of the 59 units. The projected cost for finished lots, including land cost, is \$4.6 million. The total of the allowed expenditure for archaeological mitigation under the statute is \$46,300 (\$200 per house plus 3/4 of 1% of project cost. The charge would be another \$66,000 if housing costs were added to project cost. Since the project applicant has already spent the sum of \$214,531 and expects to spend an additional \$85,000 on archeological mitigation measures other than Condition 46C, it stands to reason that Condition 46C as proposed by staff cannot be levied against this project. The project applicant nonetheless agrees to spend an estimated additional \$45,000 on establishing a museum for the Salinan Indians.

Notwithstanding the above-cited code section, the mitigation measure also fails as "infeasible". "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. Public Resources Code §20161.1. Only feasible mitigation measures can be imposed under CEQA. CEQA Guidelines §15091. The proposed fine of \$450,000 would add roughly over \$7,500 to the cost of each finished lot. This is a tax or penalty of almost 100% of the actual cost of improving each individual lot. Adding \$7,500 to the cost of each lot would render this project infeasible in terms of providing the entry level home for the market demands on this size lot for the community of San Miguel.

There are many other problems with proposed Condition 46C and it should be dropped entirely from the project consideration. First, the site in question was occupied by several post-neophyte era developments, including, most recently, a WWII town. This is evidenced by aerial photographs which will be distributed at the hearing.

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As a result, the integrity of the materials of over-burden excavated is seriously in doubt.

Secondly, only foundations for approximately 11 or 12 of the neophyte quarters were uncovered by excavation. County staff believes that perhaps as many as 31 neophyte dwelling rooms may have existed under the area of grading activities. For some reason, the condition recommends a penalty associated with the theoretical excavation of all the estimated 31 rooms. Accordingly, staff came up with a fee of \$450,000 for "destroying" (at \$17,500 per cubic meter) 105 cubic meters of earth. Since it is obvious to everyone that the only disturbance occurred to the 11 or 12 dwelling rooms, this "mitigation" is pure fiction.

The estimate of \$17,500 per cubic meter comes from the consultant's hired by the County to do archeological examination of this property. Applying this number to 105 cubic meters results in a punitive fine of \$450,000. The fine would be paid to a non-profit Mission. The County has never before engaged in such punitive measures. In fact, Mission Garden Estates and Gordon Marshall have raised \$75,000 for the Mission by organizing an annual golf tournament. Criminal penalties were also assessed. If the Mission has civil claims above all this, they can press them in Court. The County's condition imposing a civil penalty is not mitigation, but a punitive action an attempt at civil restitution.

The County's rationale of imposing a penalty fee for 100% of dirt disturbance as mitigation criteria is also faulty. Although the dirt may have contained archeologically interesting historic materials, the neophyte dwellings (cells) themselves were not uncovered, except in 11 or 12 cases. There is no evidence that the neophyte dwellings were damaged. In fact, they were bulldozed for a housing project during WWII. In those 11 or 12 instances, some information was going from the site before it was encapsulated. Disturbing the over-burden of an archeological site hardly seems a reason for imposing a real fine based on theoretical excavation of the entirety of an archeological dig site. Nor would archeologists want or be allowed to excavate the entirety of this site. The theoretical underpinnings of the penalty condition are flawed.

As an alternative to Paragraph 46C, the developer proposes to fund and operate a museum at the nearby adobe known as The Rios Caledonia. This site will be set up to honor the Salinan tribes and to serve as an information point for the public. This concept is supported by the Salinan Indian tribe. It will further provide a location for display of information gleaned from this site, including a model of the kiln discovered.

Never before has the County determined a fine (much less one of \$1.785 million

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Attorneys at Law


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dollars) to be appropriate CEQA mitigation in a land development matter. This is on top of a criminal complaint filed and discharged by the County Superior Court after the Applicant agreed to do community service on the order of several thousands of dollars. The developer should not be made to pay twice for the same mistake. The County should instead require the proposed alternative condition 46C, allowing a permanent information center to honor the Salinan tribes most directly tied to the disturbed resource.

Respectfully submitted,



John W. Belsher

JWB:ab

cc: Gordon Marshall

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ALTERNATE CONDITION 46C

Developer shall, concurrent with an application for a final map, show evidence of the establishment of a museum to honor the Salinan people to be located within the environs Museum of San Miguel, which museum shall contain materials and history derived from the project and the adjacent Mission property. Prior to recordation of the final map, the Developer shall prepare a plan to be reviewed by the County, the Friends of the Adobe and representatives of the Salinan tribes to include a curator, a registrar, custodial staff and a financial plan.

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CALIFORNIA PUBLIC RESOURCES CODE § 21083.2

CALIFORNIA CODES

CALIFORNIA PUBLIC RESOURCES CODE

Division 13. ENVIRONMENTAL QUALITY

Chapter 2.6. GENERAL

Current through Stats 2005, ch 605

§ 21083.2.

(a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

(c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.

(d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that

would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

(e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:

(1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.

(2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.

(3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:

(A) Two hundred dollars (\$200) per unit for any of the next 99 units.

(B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.

(C) One hundred dollars (\$100) per unit in excess of 500 units.

(f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

(g) As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

(h) As used in this section, "nonunique archaeological resource" means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

(i) As part of the objectives, criteria, and procedures required by Section 21082 or as part of conditions

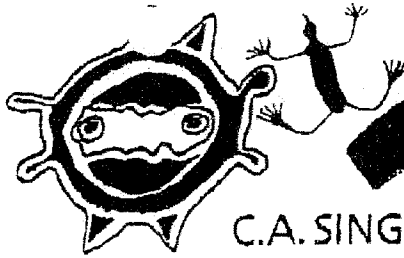
imposed for mitigation, a lead agency may make provisions for archaeological sites accidentally discovered during construction. These provisions may include an immediate evaluation of the find. If the find is determined to be a unique archaeological resource, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in this section. Construction work may continue on other parts of the building site while archaeological mitigation takes place.

(j) This section does not apply to any project described in subdivision (a) or (b) of Section 21065 if the lead agency elects to comply with all other applicable provisions of this division. This section does not apply to any project described in subdivision (c) of Section 21065 if the applicant and the lead agency jointly elect to comply with all other applicable provisions of this division.

(k) Any additional costs to any local agency as a result of complying with this section with respect to a project of other than a public agency shall be borne by the project applicant.

(l) Nothing in this section is intended to affect or modify the requirements of Section 21084 or 21084.1.

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LEARNING TEAM #6

Page 1

C.A. SINGER & ASSOCIATES, Inc.
Archaeology · Cultural Resources & Lithic Studies

Mr. Gordon Marshall
Project Manager
Mission Garden Estates
179 Niblick Road #406
Paso Robles, CA 93446

November 8, 2005

Subject: Review of project documents concerning archaeological site CA-SLO-2089:
Mission Garden Estates Project [County file #S030011U-TR03-2527]

Dear Mr. Marshall:

As you know, I am a California archaeologist with 40 years experience working with historic and prehistoric resources in San Luis Obispo County. Recently, you asked me to review documents and other materials related to the Mission Garden Estates Project in San Miguel and the impacts associated with recent grading and excavations. I've agreed because the project is familiar to me -- we prepared the Phase I survey report -- and I've now read all the technical reports for the project.

All of the project documents, but particularly those related to the grading event, were reviewed independently by myself and three other experienced local archaeologists, one of whom is an Salinan Indian. The comments that follow represent a consensus of opinions from these four individuals. Our review included CEQA Guidelines, map and plans, and reports prepared by the County Planning Department staff, by archaeological consultants John Foster and Roberta Greenwood (Greenwood & Associates), newspaper articles and letters, and the EIR by Douglas Wood & Associates. It is our collective opinion that the proposed Conditions of Approval related to the Cultural Resources are generally acceptable except for Condition 46C which requires an extraordinary punitive penalty to mitigate perceived damage to the archaeological resources. Therefore, we are supporting adoption of the substitute text you have proposed to replace Condition 46C (text attached).

When viewed in historical perspective, it's clear that previous owners and users of the site, e.g. the mission church, the U. S. Army, local farmers, and the railroad, did more damage to the resources than the recent grading episode. But our awareness, perspectives, and priorities have changed. Thus, the recent grading activity provided an opportunity and significant archaeological investigations were completed before the site was again covered. In spite of a few technical flaws, the recovered samples and data are sufficient to understand the site deposits and expanded excavations are not justifiable; more such samples are unlikely to provide any new or important information. However, the investigations required by the current Conditions of Approval focus on specific impact areas and will supplement the existing data base.

As written, Condition 46C is not acceptable. We support your idea that any penalty money collected should stay in San Miguel, and that it should be used to enhance the Salinan Tribe by establishing a museum facility to honor the people who lived in the neophyte quarters and built the nearby mission.

P.O. Box 99 · Cambria · California 93428-0099
phone: 805/927-0455 · fax: 805/927-0414

NOV. 09 2005 03:36PM P1

FAX NO. : 805 927-0414

FROM : C.A. SINGER&ASSOC

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Some Observations

1. As your photographs indicate, the neophyte dwellings were certainly damaged when the area was occupied by the U. S. Army, but we can't estimate exactly how much. The same for the railroad impacts. We also know that soils were not the same throughout the area. This calls into question the County's approach of estimating damage based upon a calculation of how much soil was displaced during recent grading. An alternative mitigation strategy is addressed below.
2. The neophyte dwellings were not destroyed. Uncovering these dwellings created an outstanding opportunity to carry out archaeological investigations and very important work was done at that time. By covering them over (i.e. capping), they are protected and available for future work, should someone choose to do so.
3. Evidence has not been presented demonstrating that any of the deposits or materials are prehistoric. All of the documented deposits, artifacts, and ecofacts appear to be historic. Grading impacts were to an historic archaeological site, not a prehistoric site.
4. The principal impact of uncovering the dwellings was not to the Mission but to the Salinan people of the region. Accordingly, Salinan people and tribal authorities should be involved in any further consultations and work at the site and the required mitigation should be geared toward the tribe. Your recommendation of creating a tribal museum in San Miguel is a strong and positive step in the right direction.
5. The Archdiocese of Monterey has requested that no work of any kind be done on the Church property. Therefore, it is pointless to estimate costs, conduct investigations, or otherwise tie mitigation to the uncovered neophyte dwellings. Sampling and capping the dwellings should be acknowledged as sufficient mitigation.
6. The final EIR largely overlooks Native American concerns and contains flawed and inaccurate information. San Miguel is an area where Salinan, Chumash, Yokuts, and other native people met and interacted; they still do. It is unreasonable to think that only one person or one group should decide the direction and form of mitigation.

Mitigation Alternatives

Most archaeologists and CRM people understand that mitigation measures are supposed to address real damage and must be technically and economically feasible. And, mitigation costs are limited by provisions of the Public Resources Code [Sec. 21083.2]. Mitigation Condition 46C seems altogether inconsistent with the PRC cost limits and the reasons for mitigation. I fail to see the logic or reasoning behind this condition. It is explained by an assertion that the "total estimated volume of material destroyed and subject to mitigation is approximately 105.4 cubic meters". Such estimates are a County policy, not an empirical or scientific standard. And, I am completely opposed to the excavation of "like quantity samples" to match an estimated amount "destroyed material".

The present Conditions Of Approval require that additional sampling be carried out along the proposed access roads located north and south of the church property. This is a perfectly reasonable request and should be done to supplement the existing samples. Once again, I strongly oppose Condition 46C as presented and urge the adoption of the revised measure suggested by you to create a museum to honor the Salinan Tribe. A museum facility in San Miguel will provide a location for the display and storage of materials collected from the project site, the distribution of

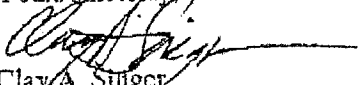
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historical information about the town and the Mission, and a place for local education.

Alternative Text for Condition 46C

Developer shall, concurrent with the application for a final map, show evidence of the establishment of a museum facility to honor the Salinan people to be located within the environments of the town of San Miguel, which museum shall contain materials and historical information derived from the project area and adjacent Mission property. Prior to recordation of the final map, the Developer shall prepare a long-range museum management plan to be reviewed by the County, the Friends of the Adobes, the Salinan Tribal Councils. The plan will address the need for a professional staff including a curator, a registrar, a custodial staff, and a financial plan for museum operations.

Yours sincerely,


Clay A. Singer
Anthropologist

Nov. 09 2005 03:38PM P3

FAX NO. : 805 927-0414

FROM : C. A. SINGER&ASSOC

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ALTERNATE CONDITION 46C

Developer shall, concurrent with an application for a final map, show evidence of the establishment of a museum to honor the Salinan people to be located within the environs Museum of San Miguel, which museum shall contain materials and history derived from the project and the adjacent Mission property. Prior to recordation of the final map, the Developer shall prepare a plan to be reviewed by the County, the Friends of the Adobe and representatives of the Salinan tribes to include a curator, a registrar, custodial staff and a financial plan.

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

MEETING DATE November 10, 2005	CONTACT/PHONE Steven McMasters 805 / 781-5096	APPLICANT Mission Gardens Estates, Inc./Gordon Marshall	FILE NO. TRACT 2725 S030011U
SUBJECT Request by Mission Gardens Estates, Inc. for a Vesting Tentative Tract Map and Conditional Use Permit to subdivide three existing parcels totaling 50.55 acres into: 58 residential parcels ranging from 5,360 square feet to 12,500 square feet, one residential parcel of 4.75 acres, one 11.16 acre open space parcel with a 6,000 square foot building envelope, for the purpose of sale and/or development, and one non-buildable open space parcel of 20.22 acres and a 2.43 acre remainder lot. The project includes off-site road improvements. The project also includes rectifying illegal grading that occurred in 2003. The project will result in the disturbance of approximately 13 acres of a 50.55 acre parcel and 30,000 cubic yards of cut and fill. The division will create four on-site roads. The proposed project is within the Residential Single Family land use category and is located approximately 480 feet south of 11 th St., east of and adjacent to the Union Pacific Railroad tracks, in the community of San Miguel. The site is in the Salinas River planning area.			
RECOMMENDED ACTION 1. Certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2725 and Conditional Use Permit based on the findings listed in Exhibit A, C and E and the conditions listed in Exhibit B and D.			
ENVIRONMENTAL DETERMINATION An Environmental Impact Report was prepared and circulated for the proposed project. Impacts were identified and mitigation measures were proposed for: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology & soils, hazards/hazardous materials, noise, population/housing, public services, recreation, traffic/circulation, water, wastewater, and land use & planning. The Final EIR also considers several project alternatives. Significant and unavoidable impacts to cultural resources were identified. The EIR process was completed in accordance with CEQA and a Final EIR has been prepared. It is recommended that the Planning Commission certify the Final EIR.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 021-361-003; 021-355-001, 002	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: South of 11 th St. – Density & Cluster requirements, Open space preservation, Salinas River resource protection, compliance with the San Miguel Design Plan.			
LAND USE ORDINANCE STANDARDS: Archeology Resources, Exterior Lighting, Fencing and Screening, Height, Noise, Setbacks, Underground Utilities, Parking, Residential Accessory Uses, Grading and Drainage, and Street and Frontage Improvements.			
EXISTING USES: Single family residence; undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban; Residential Single Family/ Vacant; scattered residences; <i>East:</i> Agriculture/Salinas River; <i>South:</i> Agriculture/ Crops; <i>West:</i> Recreation/ Mission San Miguel, vacant			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Community Advisory Group, Public Works, County Environmental Health, County Parks, CDF, San Miguel Community Services District, APCD, Department of Fish and Game, Ag Commissioner, California Public Utilities Commission, California Office of Historic Preservation, Pacific Bell, Pacific Gas and Electric, and Charter Cable.	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Non-native grasses and riparian vegetation
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community system Fire Protection: San Miguel Fire Department	ACCEPTANCE DATE: January 2004

ORDINANCE COMPLIANCE:

Cluster Division

22.22.140 of the Land Use Ordinance establishes standards for cluster subdivisions including determining minimum parcel sizes in the Residential Single Family land use category. The standards allow for minimum parcel sizes below 6,000 square feet to as small as 2,000 square feet. The project proposes parcels as small as 5,300 square feet which is within the cluster subdivision requirements. In addition, this section of the Ordinance requires an open space parcel of at least 40% of the gross project area. The project proposes an open space parcel of 20.22 acres which is consistent with this section.

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance. The subdivision provides short walkable blocks and a dedicated trail corridor. In addition, the project has been conditioned to provide street trees as required by 21.03.010(7).

Title 22, Land Use Ordinance

This project is subject to and does comply with or will be conditioned to comply with the following sections of the Title 22: Archeology Resources, Exterior Lighting, Fencing and Screening, Height, Noise, Setbacks, Underground Utilities, Parking, Residential Accessory Uses, Grading and Drainage, and Street and Frontage Improvements.

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BACKGROUND

The project site combines several existing parcels into a 50.55 acre site. The eastern approximately 1/3 of the project site is within the Salinas River or associated Flood Hazard. A planning area standard for the project area limits residential density to 60 residential parcels and requires the parcels be clustered or located west of the Flood Hazard area. In addition, the standard requires that open space areas be considered for the Flood Hazard area as well as areas constrained by visual, noise or cultural resources.

The western portion of the site includes some areas adjacent to the Union Pacific Railroad tracks, and wraps around two existing approximately 4.7 and 2.5 acre parcels owned by the Diocese of Monterey in the Recreation land use designation. This entire area is located on a elevated terrace 15 to 20 higher than the nearly level lower flood plain terrace. The parcels owned by the Diocese are subject to a specific planning area standard that limits the uses within the Recreation land use category for the site and identifies the presence of significant cultural resources.

The application for Tract 2527 was submitted in July 2003. In August 2003, Planning and General Services staff (Parks Division) conducted a site visit to evaluate the project site, the proposed subdivision design, and a proposed trail location. The site was actively under major grading operations when staff visited the site with approximately 13 acres of the site having been disturbed. No grading permit had been issued for the site, and as the subdivision application had just been submitted, no tract improvements had been approved. A "Stop Work" order was issued upon a site inspection by Enforcement Division staff. It was noted immediately that cultural resources had apparently been affected by the illegal grading. Upon further inspection, it became evident that not only had the project site been graded affecting cultural resources, but the grading had crossed property boundaries and affected significant portions of the two parcels owned by the Diocese of Monterey.

The parcels owned by the Diocese that were affected by the illegal grading are the location of facilities associated with Mission San Miguel – the neophyte (Native Americans brought into the mission system) quarters, and the mission orchard. The neophyte quarters were a series of connected adobe dwellings built in a quadrangle around an open courtyard. The southwest corner of the quadrangle was "anchored" at the northeast corner of the existing mission church and quadrangle. Based on historical records the neophyte dwellings were constructed in 1805 and 1806 and totalled 74 dwelling units. The subsequent construction of Mission St. and the railroad mostly obliterated any evidence of the western wing of the complex, and separates the remains of the neophyte complex from the rest of Mission San Miguel. The remains of the north wing of the neophyte complex is evident in the presence of a distinct "mound" (the end result of 200 years of weathering of an adobe structure) and a portion of standing adobe wall.

Subsequent archaeological evaluations of the areas graded illegally revealed that substantial portions of the east wing of the complex existed prior to, and were affected by the illegal grading. Foundations, interior wall partitions and cooking/heating hearths were visible in the graded area. Related remains including mission roof tiles, Native American artifacts, and historic artifacts (e.g. pottery, glass, wood) were spread over a wide area affected by the grading both on the project site as well as the Diocese owned properties. In addition, significant cultural resources were also discovered on the project site including a "kiln feature" that may have been associated with the production of tiles or bricks for the Mission. This feature was located at the base of the elevated terrace (directly below the eastern neophyte quarters wing) and had also been damaged by the illegal grading. Other resources associated with the neophyte quarters also exist on the project site and include some that were not disturbed by recent activities.

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The applicant is under order by the court to rectify and legalize the illegal grading that occurred in August 2003. The processing of Tract 2527 and the related subdivision improvements will legalize the grading activity that occurred previously. Per the requirements of the LUO, all areas of grading (regardless of property boundaries) must be included in consideration, and likewise CEQA requires evaluation of the "whole of an action". As such, the project that required evaluation under CEQA included all areas affected by the illegal grading, as well as the proposed subdivision. Due to the obvious importance of the Mission era resources as well as the magnitude of the level of impact, an Environmental Impact Report (EIR) was deemed appropriate due to the impact to cultural resources.

An EIR was prepared that addressed the impacts to cultural resources, as well as other issue areas. The EIR determined that the cultural resources affected by the project are extremely significant and rare. There are only 21 Missions in the state of California, of these only ten are thought to have remains of neophyte quarters. Of these, many have been nearly obliterated by surrounding development and only the remains at Mission San Miguel have not been sampled or evaluated. These resources have the potential to shed major information on the living and working conditions of the life of the Native Americans in the Mission system including: housing, subsistence, trade and social systems.

The EIR presents mitigation measures for impacts associated with the development of the proposed subdivision including setbacks from the intact cultural resources and additional archaeological evaluation. Mitigating impacts to cultural resources as a result of illegal grading or disturbance is much more difficult as the resources cannot be replaced and are nearly impossible to reconstruct. The standard that has been used throughout the state is to compensate for the lost resources and the information that they could have provided, by studying or providing for study of similar or like resources. The amount of sample that needs to be provided for should be equivalent to that which would have been required if the illegal disturbance had not occurred. The sample size for cultural resources that are proposed for destruction (Phase III – Data Recovery) is based on several criteria including: the rarity of the resource, the amount of previous study, and the point at which the sampling would retyun redundant information. In the case of the proposed project, given the extreme rarity of the resource, it is unlikely that any disturbance would have been allowed (the pertinent planning area standard requires avoidance). Thus, given the resource affected, and its rarity and importance in the history of California, a large (possibly as high as 100%) sample of the affected area would have been required. This then becomes the compensation obligation recommended in the EIR for the cultural resource impacts as a result of the project. Due to the fact that we did not have an opportunity to evaluate the resource prior to disturbance, which would have provided us the information to determine a more specific sample size, we must assume a "reasonable worst case" that the rarity of affected resource would dictate a very large sample size. The EIR recommends a mitigation measure that would require the applicant to create a fund that would fund research and analysis of similar resources or topics that would be equivalent to the monetary equivalent of a sample of the area of the neophyte quarters affected by the illegal grading. Based on all the factors, we recommend that that sample size be 100% of the affected cultural site. This measure has been included as a condition of approval. Even with this condition, significant historical and cultural information has been lost as a result of the illegal grading and the EIR has determined that the impact remains significant. Findings of overriding considerations are required in order for the project to be approved.

PLANNING AREA STANDARDS:

South of 11th St. – Density & Cluster requirements Section 22.104.070(F)(2) limits the development in the project area to 60 residential parcels. The standard also requires development to be clustered or located outside of the Flood Hazard area which takes up approximately 1/3 of the project area.

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Salinas River Resource Protection Section 22.104.020.D requires development be designed and located to protect the Salinas River. This is accomplished in the tract by placing the Salinas River flood hazard area and riparian area into to an open space parcel that will not be developed.

The San Miguel Design Plan requires that single-family residence developments provide curb, gutter and sidewalks, and plant street trees at a minimum of one per 30 feet of frontage, planted within ten feet of the front property line. This project is conditioned to meet these requirements.

COMBINING DESIGNATIONS:

Flood Hazard Area: Approximately 1/3 of this site is in a Flood Hazard Area and is proposed as an open space parcel with no development potential. However, a drainage plan is required for any site in the Flood Hazard Area combining designation. This project is conditioned to meet this standard.

MAJOR ISSUES

Archeology – As discussed above, project related activities have already resulted in significant impacts to cultural resources. Future development of the proposed subdivision has the potential to result in additional impacts. To protect potential on-site cultural resources, conditions have been recommended that require additional archaeological investigation, monitoring during construction, and placement of portions of the site into open space.

Buildings Design – This project includes three different residence designs, in three different color schemes (see attached). The following design features are in conflict the County Design Guidelines for residential single-family development and subtract from the overall appearance of the subdivision: 1) the garages sit 17 feet forward from the rest of the unit for two of the models, 2) the models front elevations show garages that are 50 percent or more than the width of the street facing elevation, and 3) as proposed, all houses have the same front setback, creating houses lined up in a row. To remedy these inconsistencies, this project is subject to the following conditions: Garages shall sit back five feet from the front wall of the buildings on 80 percent of the units. Any unit with a garage 50 percent or more than the width of the street facing elevation shall provide garage doors that include decorative details such as windows. To remedy the houses lines up in a row appearance, any area that has more than three houses in a row shall have front set backs that are staggered by a minimum five-foot difference from the adjacent houses.

San Joaquin kit fox - Based on the results of the San Joaquin Kit Fox Evaluation Form and prior consultation with the California Department of Fish and Game (CDFG), the applicant is required to mitigate for the loss of San Joaquin kit fox habitat at a 3:1 ratio, for total replacement acreage of 39. The project has been conditioned to pay an in-lieu fee or establish a conservation easement to mitigate for the loss of habitat. To prevent inadvertent harm during future development of the proposed project site, the applicant has agreed to retain a biologist for a pre-construction survey and implement cautionary construction measures.

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Wetland and Riparian Habitat - To minimize impacts to the Salinas River corridor, the applicant has been conditioned to install fencing designating the boundaries of areas permitted for grading. Proposed grading plans shall designate equipment storage areas in locations that would not result in an accidental spill or leak discharging into the river. In addition, the applicant shall prepare and implement a Spill Contingency and Clean-up Plan to prevent an occurrence of spills or leaks and minimize the effects of accidental spills or leaks. To minimize impacts to riparian habitat, future plans for the public trail shall be designed to avoid existing vegetation including cottonwoods and willows, and result in a minimal amount of soil disturbance.

ADJUSTMENTS:

A number of the proposed lots propose a lot width of less than 60 feet at the front yard setback inconsistent with the requirements of Title 21.03.010(c)(3). The applicant has proposed this in order to provide a buffer area in open space around the adjacent cultural resource site.

COMMUNITY ADVISORY GROUP COMMENTS: The San Miguel Advisory Council supports the project.

AGENCY REVIEW:

Public Works – Standard tract conditions for roads and drainage, and possible improvement to railroad crossing at 11th St..

Environmental Health – Stock conditions for on-site water and sewer, final will-serve required before final map, and must build or bond for water and sewer improvement prior to final map.

Ag Commissioner- Disclosure of Right-to-Farm and provide fencing along southern boundary.

County Parks – Pay Quimby fees and dedicate a 25-foot trail corridor along the Salinas River

San Miguel Community Services District – Provided Will Serve for water and sewer.

APCD – Require a variety of mitigation for Air Quality impacts (see conditions)

Department of Fish and Game – San Joaquin kit fox mitigation at 3:1 ratio

LEGAL LOT STATUS: The lots were created by deed transfer at a time when that was a legal means of creating lots.

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**TRACT 2725 / S030011U
FINDINGS - EXHIBIT A**

Environmental Determination

- A. Certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.
- B. Adopt the findings of the proposed Final Environmental Impact Report which finds that there is evidence that the project may have a significant effect on the environment, and therefore a Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) Mitigation measures were identified to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology & soils, hazards/hazardous materials, noise, population/housing, public services, recreation, traffic/circulation, water, wastewater, and land use & planning. Significant and unavoidable impacts to cultural resources were identified.

Tentative Map

- C. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single Family land use category.
- D. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- E. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- F. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single-family residences.
- G. The site is physically suitable for the proposed density of the development proposed because the site can adequately support 60 primary dwellings.
- H. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the applicant is not developing on the open space parcel that contains the riparian vegetation and will mitigate the impact to the San Joaquin kit fox.
- I. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- J. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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- K. The development will not create significant adverse effects on the natural features of the site or vicinity will preserve and protect such features through the site design, because the river bank and associated riparian vegetation is located in the non-buildable open space parcel.
- L. Natural features and topography have been considered in the design and location of all proposed physical improvements because the riverbank and associated riparian vegetation is located in the non-buildable open space parcel.
- M. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because a qualified archeologist and Native American will be on site for all grading.
- N. The site design and development cannot be feasible changed to avoid intrusion into or disturbance of archaeological resources. Illegal grading has occurred on the site that has already resulted in a significant impact to archaeological resources. Mitigation has been applied to the project to the maximum extent feasible. Construction will use appropriate methods to protect the integrity of the site. Such methods include a qualified archeologist and Native American will be on site for all grading in sensitive areas, if archeological resources are found work shall stop immediately and the County Environmental department will be contacted right a way.

Adjustments

- O. That there special circumstances or conditions affecting the subdivision because the developable area of the property is limited by the Flood Hazard designation and the need for a "buffer" area around the cultural resource site on the adjacent property requiring some proposed parcels to have a reduced lot width.
- P. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision because the reduced lot widths are generally in character with the other lots in the proposed subdivision.
- Q. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because the reduced lot widths will be in character with the balance of the subdivision.

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**TRACT 2725 / S030011U
CONDITIONS - EXHIBIT B**

Approved Project

1. A Vesting Tract Map to allow a cluster subdivision to subdivide three existing parcels totaling 50.55 acres into: 58 residential parcels ranging from 5,360 square feet to 12,500 square feet, one residential parcel of 4.75 acres, one 11.16 acre open space parcel with a 6,000 square foot building envelope, for the purpose of sale and/or development, and one non-buildable open space parcel of 20.22 acres and a 2.43 acre remainder lot.

Condition Compliance/ Mitigation Monitoring

2. **Prior to recordation of the final map**, the applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures. The monitor shall assist the County in condition compliance and mitigation monitoring for all stage of the project development including review of tract improvement plans, monitoring during tract improvements, and review and development of subsequent residential development. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

Access and Improvements

3. All on-site streets shall be constructed to an A-2 section within a 50 foot dedicated right-of-way with 5 foot sidewalks.
4. "A" Road from the property to 11th and, 11th to "N" Streets constructed to a A-1 section (minimum paved width to be 18 feet within a minimum 40 ft. dedicated right-of-way).
5. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20-foot radius property line return at the intersection of all streets
 - b. A 40 ft. wide dedicated right of way across lot 1 between adjacent parcels APN 021-355-003 and 021-241-021
 - c. A 25-foot wide public access trail easement through the length of Lot 61 along the Salinas River shall be reviewed and approved by County Parks prior to the recordation of the final map or approval of improvement plans (whichever occurs first). The proposed trail easement shall be located and configured to avoid existing vegetation including cottonwoods and willows, and result in a minimal amount of soil disturbance.

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6. Private easements to be reserved on the map including:
 - a. A 25-foot emergency access easement across lot 60 to County Road 26.
 - b. A 25-foot access easement across the proposed remainder parcel from adjacent parcel APN 021-355-003 to County Road 26.
 - c. A 15-foot access easement across lot 13 to the "open space" portion of lot 1.
7. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

8. At the time of application for tract improvements, a detailed geotechnical (soils engineering) investigation shall be performed in conjunction with the preparation of detailed project design plans. This investigation shall include recommendations for site preparation, grading and soil compaction as well as for other geotechnical aspects of the project including, but not limited to, liquefaction, seismically-induced or differential settlement, subsidence and expansive soils. This investigation shall provide feasible engineering or design solutions to these or any other potential geologic constraints. These measures will conform to requirements of the Uniform Building Code, the California Code of Regulations and applicable County ordinances.
9. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the County Environmental Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
10. **Prior to recordation of the final map**, all improvement plans shall be reviewed by the San Miguel Community Services District in order to insure that building materials, alarm systems, emergency vehicle access (turning radii, roadway grades), water storage, hydrant location(s) and brush clearance provide adequate fire protection for the proposed project. All water mains and fire hydrants shall provide required fire flows and shall be constructed in accordance with the specifications of the San Miguel Community Services District or other applicable standards.
11. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
12. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions, and the approved improvement plans. All public improvements shall be completed **prior to recordation of the final map**.

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13. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works; OR
 - b. Document that the regulatory agencies have determined that said permit is no longer required.
 - c. Submit verification that San Joaquin kit fox impact fee and mitigation measure have been completed.

Drainage

14. Submit complete drainage calculations to the Department of Public Works for review and approval.
15. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

16. All utilities including electric and telephone lines shall be installed underground.
17. Cable T.V. conduits shall be installed in the street.
18. Gas lines shall be installed.
19. Construction plans will be provided to applicable telecommunications companies as they become available in order to facilitate engineering, design and construction of improvements necessary to provide communication systems to the proposed project.

Design

20. The applicant shall apply to the Department of Planning and Building for approval of new street names **prior to the filing of the final parcel or tract map**. Approved street names shall be shown on the tract map and on improvement plans.

Fees

21. **Prior to recordation of final map**, the applicant shall pay all applicable Quimby and Building Division Fees.
22. **Prior to final map recordation**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Services

23. **Prior to final map recordation**, the applicant shall obtain a final will-serve letter for water, and sewage service from the San Miguel Community Services District.
24. **Prior to final map recordation**, the applicant shall submit a full-size copy of proposed plans to the County Department of Environmental Health for review and approval. The plans shall include all facilities including drainage systems, sewer lines, and water wells.

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Open Space Easement

25. **Prior to final map recordation**, an open space easement(s) shall be recorded for the open space parcels and other open space areas and for the following: Lot 1 (a) the entire area of the bluff slope between the eastern boundary of the Diocese parcel and (b) a "buffer" area bordering the northern boundary of the Diocese parcel extending out 100 feet from the northern boundary of the Diocese parcel, between the railroad right of way and the bluff slope; Remainder Parcel (a) a "buffer" area bordering the southern boundary of the Diocese parcel extending out 100 feet from the southern boundary of the Diocese parcel, between the railroad right of way and the bluff slope. It is to be held in one of the following ways: single ownership, in common by the Homeowner's Association, or transferred to a public trustee conservancy agency approved by the Department of Planning and Building. The "buffer" areas on the north and south of the Diocese parcel shall remain in open space unless it is demonstrated by subsequent archaeological testing to the satisfaction of the Environmental Coordinator, that intact cultural resources will not be affected by a reduction or elimination of the buffer areas. The other open areas are to be maintained as such in perpetuity.

Aesthetics

26. **Prior to approval of tract improvement plans**, the applicant shall submit landscape, landscape lighting, landscape irrigation and landscape maintenance plans and specifications for all common areas within the project to the Department of Building and Planning for review and approval. Proposed landscaping shall be selected and installed with the intent of obscuring building forms and masses within five years.
27. **Prior to approval of tract improvement plans**, the applicant shall provide a street lighting plan. The plan shall include the height, location and intensity of all street lighting. All light fixtures shall be shielded so that neither the lamp nor the reflective interior surface is visible from adjacent areas. All light poles, fixtures and hoods shall be dark (non-reflective) colored. Street lighting shall be shielded so as not to create glare when viewed from the off-site areas with lighting heights no more than is absolutely necessary. The light poles and fixtures shall not be visible to travelers along Mission Street. Energy conserving street lighting shall be used.

Agriculture

28. **Prior to approval of tract improvement plans**, detailed plans shall be submitted to the County of San Luis Obispo delineating the location and type of fencing or other solid, uninterrupted barrier along the southern boundary of the developed portion of the site in order to prevent direct access from the site to agricultural uses to the south.

Air Quality

29. **Prior to approval of tract improvement plans**, a comprehensive Construction Activity Management Plan shall be developed to minimize the amount of large construction equipment operating during any given time period.
30. **Prior to approval of tract improvement plans**, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

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31. **Prior to approval of tract improvement plans**, plans shall show the following dust control measures. During construction/ground disturbing activities, the applicant shall implement the measures as shown on the plans. These measures shall be shown on tract improvement, grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- Reduce the amount of disturbed area where possible
 - Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - All dirt stock-pile areas should be sprayed daily as needed;
 - All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.
 - Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.
 - Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.
32. **Prior to approval of tract improvement plans**, the following notes shall be shown on the construction plans, and shall be implemented during construction:
- Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and,
 - Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
33. **Prior to recordation of the final map**, the applicant shall provide evidence of contacting the Southern Pacific Railroad to inform them of the pending residential development and to request that train engines not be allowed to idle in the vicinity of the proposed development.
34. **Prior to recordation of the final map**, the public access trail shall be constructed. **Prior to construction of the public access trail**, the applicant shall submit copies of permits and authorizations from the California Department of Fish and Game, Regional Water Quality Control Board, and United States Army Corps of Engineers or documentation that these permits are not necessary.

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Biological

35. **Prior to approval of tract improvement plans**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 39 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.
 - b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$97,500. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.
 - c. Purchase 39 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.
 - d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 39 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.
36. **Prior to approval of tract improvement plans**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

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- a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b. Conduct weekly site visits during construction activities and submit weekly report to the County Planning and Building Department to ensure compliance with mitigation measures.
37. **Prior to approval of tract improvement plans**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
38. **Prior to approval of tract improvement plans**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
39. **Prior to approval of tract improvement plans**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
40. **Prior to approval of tract improvement plans**, plans shall show the following measures. To prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded. During the site-disturbance and/or construction phase all the above measures shall be implemented.
41. **Prior to approval of tract improvement plans**, plans shall show the following measures. Any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped. During the site-disturbance and/or construction phase all the above measures shall be implemented.

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42. **Prior to approval of tract improvement plans**, plans shall show the following measures. All food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. During the site-disturbance and/or construction phase all the above measures shall be implemented.
43. **Prior to approval of tract improvement plans**, plans shall show the following measures. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend. Prior to, during and after the site-disturbance and/or construction phase this measure shall be implemented.
44. **Prior to approval of tract improvement plans**, plans shall show the following measures. Any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition. During the site-disturbance and/or construction phase, all the above measures shall be implemented.
45. **Prior to approval of tract improvement plans**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.

Cultural Resources

46. **Prior to approval of tract improvement plans**, the applicant shall provide funding for the County of San Luis Obispo to retain an cultural resource management firm with demonstrated expertise in Mission era structures and resources to provide the following:
 - a. Perform a subsurface investigation of the "remainder" lot south of the Diocese property, and on Lot 1 in order to confirm the presence and evaluate any potentially significant cultural resources associated with the neophyte quadrangle in any area potentially affected by proposed future road or access development.
 - b. Consult with the Diocese of Monterey to permit stabilization and other protective measures to the east side of the neophyte quadrangle in order to conserve the last remaining above ground remnant of the north wall of this facility.
 - c. Develop estimates for the cost of archaeologically excavating 31 neophyte rooms (equaling approximately 1,054 square meters) on the Diocese property as an offset for the impact that occurred due to the illegal grading of the Diocese properties and the project site. The total estimated volume of material destroyed and subject to mitigation is approximately 105.4 cubic meters. A payment program shall be developed phased with the development of the tract that provides for the equivalent of excavation of 100% of the disturbed volume. Monies shall be paid by the project applicant with credit for funds utilized for prior testing during the EIR evaluation. Credit shall not be given for those studies that evaluated resources or impacts on the project site (TR2527). These funds shall

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be held in trust by the California Mission Studies Association, California Missions Foundation or a comparable non-profit organization to be used for historical or archaeological studies, or restoration activities (no more than 50%) of resources or sites associated with San Miguel Mission. Preference of use of the funds shall be given to studies or resources related to Native American culture at the Mission. The program, payment phasing and fund administering organization shall be approved by the County of San Luis Obispo in consultation with the State of California, Office of Historic Preservation.

- d. Develop a detailed research design for an archaeological investigation of the brick and tile kiln. Upon the completion of the additional research, the applicant shall fund the construction and placement of a model of the neophyte quarters and kiln for interpretation purposes. Construction and placement of the model shall occur only if there is prior agreement by an appropriate institution to accept the model for interpretation purposes. Acceptable institutions include: Mission San Miguel, County of San Luis Obispo (Rios-Caledonia Adobe), County Historical Society, School District or a local San Miguel historical group with exhibit area.
 - e. Prepare and assemble the appropriate application and supporting documentation and process the nomination for placement of the cultural resources unearthed and still in place within and adjacent to the Mission Gardens Estates site for inclusion in the California Register of Historical Resources.
 - f. Prepare informational material appropriate for distribution at the Mission and elsewhere which presents photographs showing the Mission at different stages of its construction and alterations.
 - g. Provide a monitoring plan that shall include at a minimum:
 - 1) List of personnel involved in the monitoring activities, including a Native American representative;
 - 2) Description of how the monitoring shall occur;
 - 3) Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
 - 4) Description of what resources are expected to be encountered;
 - 5) Description of circumstances that would result in the halting of work at the project site (e.g. What are considered "significant" archaeological resources);
 - 6) Description of procedures for halting work on the site and notification procedures and;
 - 7) Description of monitoring reporting procedures.
47. **Prior to approval of tract improvement plans**, the applicant shall demonstrate on improvement plans that the brick and tile kiln located on the slope on the Mission Gardens Estates site shall be preserved in place with adequate barriers to protect the resource from erosion and public access. Enough buffer space should be provided to insure preservation of the surrounding area.
48. **Upon completion of all monitoring/mitigation activities and prior to completion of tract improvements**, the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/ mitigation activities; describing all features, deposits or cultural materials encountered; indicating provision for curation and confirming that all recommended mitigation measures have been met.
49. **Prior to approval of tract improvement plans**, the applicant shall provide for barriers, to be approved by the County of San Luis Obispo, to be erected or maintained to prevent unauthorized access to the Diocese properties, the remainder lot south and southeast of the Diocese property, and the open space areas of lot 1.

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50. **Prior to approval of tract improvement plans**, the applicant shall submit a drainage plan that is approved by the county Public Works Department.
51. **Prior to approval of tract improvement plans**, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB).
52. **Prior to approval of tract improvement plans**, a Sedimentation and Erosion Control Plan shall be submitted to the County Department of Public Works for review and approval. The plan shall indicate methods to control erosion which may include, but are not limited to, erosion fencing, hay bales, temporary siltation basins, erosion control blankets, etc. This plan, to be prepared by a registered civil engineer, shall conform to Section 22.52.090 of the County Land Use Ordinance and shall include:
 - a. Any required replacement vegetation/landscaping shall be planted well in advance of October 15 in order to provide sufficient time prior to the rainy season for roots to establish and effectively hold soil together.
 - b. Erosion control measures shall prevent sediment-laden runoff from entering the on-site or downstream wetland areas associated with the Salinas River.
 - c. Fossil filters or similar devices shall be installed in all drop outlets and/or catch basins to trap oil and other pollutants from entering downstream wetland habitats. Such devices shall be maintained on a regular basis and cleaned and/or replaced prior to each rainy season or pursuant to the manufacturer's guidance.
 - d. Areas temporarily disturbed by project grading shall be immediately seeded with an erosion control vegetative mix suitable for the project area and site conditions.
 - e. Measures such as silt fencing, sediment traps, soil stabilizers, use of water trucks, etc. to contain sediment on site and eliminate sediment deposition in any of the drainage on-site or off-site shall be utilized during project construction.
 - f. Project grading shall take place, if possible, during the dry seasons of the year which is defined as between April 15th and October 15th per Section 22.02.036 of the County Land Use Ordinance.
53. **Prior to approval of tract improvement plans**, all plans shall show the following, any undocumented wells will be capped and the removal of any existing, undocumented fills shall be monitored by a qualified soils geologist. During project grading in the event that any toxic or hazardous materials are discovered, qualified authorities shall be contacted immediately. Any required remediations, soils removal or other required actions shall occur prior to completion of project grading in accordance with applicable local, State or Federal regulations.

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Noise

54. **Prior to approval of tract improvement plans**, the applicant shall provide proof that all construction equipment using combustion engines have mufflers that are in good condition. Where feasible, stationary noise sources shall be located at least 300 feet from occupied dwellings unless noise-reducing engine housing enclosures or other noise screens are provided by the contractor.
55. **Prior to approval of tract improvement plans**, plans shall note that construction activities shall comply with the County of San Luis Obispo Noise Ordinance Section 22.06.042(d) which limits noise-generating construction activities to the hours between 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays. During construction activities, all measures noted above shall be implemented.

Safety

56. **Prior to approval of tract improvement plans**, detailed plans shall be submitted to the County of San Luis Obispo delineating the location and type of fencing or other solid, uninterrupted barrier in order to prevent direct access from the site to and across the Southern Pacific Railroad tracks in the vicinity of the project site.
57. **Prior to recordation of the final map**, plans for both the proposed primary and secondary, emergency-only access routes shall be submitted to and reviewed by the Union Pacific Railroad in order to insure that any required gates, warning signs, signage or other related safety measures are incorporated into the final design of both proposed access routes.
58. **Prior to recordation of the final map**, plans for a sidewalk crossing of the Union Pacific Railroad tracks at 11th Street shall be submitted to and reviewed by the Union Pacific Railroad and the County Department of Public Works. The applicant will be required to provide this sidewalk crossing prior to final inspection or project occupancy, whichever occurs first.
59. **Prior to recordation of the final map**, a Project Recycling Plan shall be submitted to be reviewed and approved by the San Miguel Community Services District and County Solid Waste Coordinator indicating methods of minimizing waste generation during project construction and achieve at least a 50% recycling rate for construction wastes. This plan shall include but may not be limited to purchasing practices that will insure that excess construction materials are not delivered to the site, that any materials and packaging that are delivered are recyclable locally and that proper separation of discarded materials (e.g., sheet rock, conduit, metal flashing, corrugated cardboard, scrap lumber, etc.) is conducted. In addition, the Project Recycling Plan shall incorporate the use of recycled materials where possible during all phases of project construction including the use of recycled flooring and roofing materials, glass, plastics, tile, carpet as well as the use of rubberized asphalt, recycled plastic signs, posts, wheel stops, etc. The Project Recycling Plan shall also identify methods of recycling/reuse of "green waste" generated during the operation of the proposed project.

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Additional Map Sheet

60. The applicant shall prepare an additional map sheet to be approved by the County of Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

Residential Construction

a. **At the time of application for construction permits**, all building plans shall show the following requirements. These plans shall be reviewed and approved by the County Planning Department:

- 1) Designated building sites (and access drives) in any area that has more than three houses in a row with front set backs that are staggered by a minimum five-foot difference from the adjacent houses.
- 2) The preferred location of garages to be behind the front of house or along the side of the property. Garages shall sit back at least five feet from the front wall of 80 percent of the units.
- 3) Any unit in which the garage is 50 percent or more than the width of the street facing side shall provide for garage doors that include decorative windows.
- 4) The main entry of the home should be located on the street side of the building and located within a veranda or porch a minimum of six feet wide.
- 5) The driveway widths should be no greater than 12 feet of lot frontage and should flair wider to the garage door.
- 6) Single lane driveways that flair at garage or shared driveways to be used by more than one house.
- 7) Quality design and construction.
- 8) Architecture compatible with existing neighborhoods and their traditional character.
- 9) All sides of residences should be detailed and articulated with relief elements and changes in plane with elements such as bay windows, chimneys, trellises or changes in materials.
- 10) A minimum of three different front façades with some set further back from neighboring facades to create texture and interest.
- 11) A color board to include manufacturer's specifications for color samples of building materials and roofs. The colors selected shall be muted, darker tones and shall be selected to match color tones seen in surrounding areas. Red tile roofs shall be avoided. The specular gloss rating of the roof material shall be 10 percent to 15 percent at an angle 60 degrees.
- 12) Outdoor electrical outlets shall be provided to encourage the use of electric appliances and tools.
- 13) Building design shall include as many energy-conserving features as possible including, but not limited to, increasing wall and roof insulation to 10% above Title 24 requirements.
- 14) Low nitrogen oxide emitting water heaters and built-in efficient appliances shall be provided.
- 15) Double-paned thermally-efficient windows shall be used on all structures.
- 16) Energy efficient interior lighting shall be used in all structures.
- 17) Shade trees shall be provided along southern exposures of buildings to reduce summer cooling needs.
- 18) Roof materials with a solar reflectance value meeting the EPA/DOE Energy Star rating shall be used to reduce summer cooling needs. These roof materials are required to be of muted darker tones.

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- 19) Only APCD approved wood burning devices shall be installed in new dwelling units. The project applicant shall provide new home buyers with information identifying approved wood-burning devices.
- 20) All buildings shall be constructed with spark arresters on all chimneys and fire retardant roofing material as described in Section 3202 of the Uniform Building Code. Any wood shingles or shakes shall have a Class "A" or "B" rating and shall be approved by the San Miguel Community Services District prior to installation.
- 21) A Fire Safety and Fuel Reduction Plan in accordance with California Department of Forestry standards.
- 22) Compliance with the approved Project Recycling Plan that applies to the on-going operation of the subdivision after the residences have been completed.
- 23) In accordance with the Uniform Plumbing Code, ultra low-flow toilets (1.6 gallons per flush) shall be installed within the proposed project. Low-flow shower heads (2.0 gallons per minute) shall also be utilized.
- 24) All appliances installed within the proposed project shall be water conserving models, including but not limited to, dishwashers.
- 25) The proposed project shall, where possible, use efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots.
- 26) All proposed structures shall be designed to insure the 45 dBA Leq interior noise standard is met. Measures to achieve this standard may include, but are not limited to, the use of mechanical ventilation provided per the Uniform Building Code. Windows and sliding glass door frames shall be mounted in low air infiltration rate frames (0.5 cfm or less per ANSI specifications) or exterior doors shall be solid core with perimeter weather-stripping and threshold seals
- b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- c. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- d. The limits of inundation from a 100-year storm over lots 54, 55, 56, 57, 58, 59, 60 and 61 from the Salinas River shall be shown on the additional map and note the required building restriction on the sheet.
- e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- f. Prior to final of any related building permit, all approved landscaping shall be installed.
- g. During construction/ground disturbing activities for residential construction, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - 1) Reduce the amount of disturbed area where possible;
 - 2) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - 3) All dirt stock-pile areas should be sprayed daily as needed;

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- 4) All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - 5) All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.
 - 6) Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.
 - 7) Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.
- h. **Prior to issuance of construction permits**, the following notes shall be shown on construction plans, and shall be implemented during construction:
- 1) Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - 2) Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - 3) Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and,
 - 4) Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
 - 5) Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - 6) Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - 7) Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and, Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
- i. Developmental burning shall be prohibited unless a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF) is obtained. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
- j. **Prior to issuance of construction permits**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- 1) Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - 2) Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.

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- k. **Prior to issuance of construction permits**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
- l. **Prior to construction**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
- m. To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- n. During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
- o. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
- p. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- q. All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
- r. No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:

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- 1) Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 2) Potential San Joaquin kit fox den: 50 feet
 - 3) Known San Joaquin kit fox den: 100 feet
 - 4) San Joaquin kit fox pupping den: 150 feet.
 - 5) Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
- If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.
- s. Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.
 - t. Prior to **final inspection**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
 - 1) If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches.
 - 2) If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.
 - u. **Prior to issuance of construction permits**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
 - v. **Prior to issuance of construction permits**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.

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- w. All residential construction will participate in any County Transportation Impact Fee Programs or any other applicable roadway or intersection improvement programs and provide its fair share contribution based upon the extent of project impacts.

Covenants, Conditions and Restriction

- 61. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - b. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - c. The limits of inundation from a 100-year storm over lots 54, 55, 56, 57, 58, 59, 60 and 61 from the Salinas River shall be shown on the additional map and note the required building restriction on the Exhibit attached to the CC&R's.
 - d. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - e. Notification to prospective buyers and future owners of the property the location and operation of the adjacent wastewater treatment plant and a written release of information regarding exposure to objectionable odors.
 - f. Notification to prospective buyers and future owners of the property that the property is in an area subject to noise generated from illegal activity within the Salinas River.
 - g. Notification to prospective buyers and future owners of the property that off road vehicle use, camping, target practice and other uses that are damaging to the Salinas River are prohibited on the open space parcel.
- 62. All landscaping to be installed on site shall reflect the following water conservation methods in perpetuity: landscape with low water consuming plants; group plants with similar irrigation requirements to reduce over-irrigation; use of mulch in order to improve the water holding capacity of the soil by reducing evaporation and soil compaction and install efficient irrigation systems that minimize runoff and evaporation and maximize the amount of water that will reach the plant roots. Drip irrigation, soil moisture sensor and automatic irrigation systems also represent methods of increasing irrigation efficiency.

Miscellaneous

- 63. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 64. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- 65. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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66. The subdivider shall as a condition of approval of this tentative or parcel map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.

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14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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**TRACT 2725 / S030011U
CONDITIONAL USE PERMIT
FINDINGS - EXHIBIT C**

Environmental Determination

- A. Certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.
- B. Adopt the findings of the proposed Final Environmental Impact Report which finds that there is evidence that the project may have a significant effect on the environment, and therefore a Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) Mitigation measures were identified to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology & soils, hazards/hazardous materials, noise, population/housing, public services, recreation, traffic/circulation, water, wastewater, and land use & planning. Significant and unavoidable impacts to cultural resources were identified.

Conditional Use Permit

- C. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- D. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- E. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the six residential lots and one open space lot does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- F. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the residential lots are similar to, and will not conflict with, the surrounding residential and commercial lands and uses.
- G. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because The project is located off of 11 th St. and is required to improve local streets connecting to 11th St.
- H. The development will not create significant adverse effects on the natural features of the site and will preserve and protect such features through the site design. A drainage plan is required to protect the Salinas River from project runoff.

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- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because topography and the Flood Hazard area have been considered in the subdivision design, and the Salinas River and associated habitat will be protected by an open space easement.
- J. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because a qualified archeologist and Native American will be on site for all grading.
- K. The site design and development cannot be feasible changed to avoid intrusion into or disturbance of archaeological resources. Illegal grading has occurred on the site that has already resulted in a significant impact to archaeological resources. Mitigation has been applied to the project to the maximum extent feasible. Construction will use appropriate methods to protect the integrity of the site. Such methods include a qualified archeologist and Native American will be on site for all grading in sensitive areas, if archeological resources are found work shall stop immediately and the County Environmental department will be contacted right a way.

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**TRACT 2725 / S030011U
CONDITIONAL USE PERMIT
CONDITIONS - EXHIBIT D**

Approved Project

1. A Vesting Tract Map and a Conditional Use Permit allow a cluster subdivision to subdivide three existing parcels totaling 50.55 acres into: 58 residential parcels ranging from 5,360 square feet to 12,500 square feet, one residential parcel of 4.75 acres, one 11.16 acre open space parcel with a 6,000 square foot building envelope, for the purpose of sale and/or development, and one non-buildable open space parcel of 20.22 acres and a 2.43 acre remainder lot.

Condition Compliance/ Mitigation Monitoring

2. Prior to issuance of construction permits, the applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures. The monitor shall assist the County in condition compliance and mitigation monitoring for all stage of the project development including review of tract improvement plans, monitoring during tract improvements, and review and development of subsequent residential development. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

Conditions required to be completed at the time of application for construction permits

Residential Construction

3. **At the time of application for construction permits**, all building plans shall show the following requirements. These plans shall be reviewed and approved by the County Planning Department:
 - a. Designated building sites (and access drives) in any area that has more than three houses in a row with front set backs that are staggered by a minimum five-foot difference from the adjacent houses.
 - b. The preferred location of garages to be behind the front of house or along the side of the property. Garages shall sit back at least five feet from the front wall of 80 percent of the units.
 - c. Any unit in which the garage is 50 percent or more than the width of the street facing side shall provide for garage doors that include decorative windows.
 - d. The main entry of the home should be located on the street side of the building and located within a veranda or porch a minimum of six feet wide.
 - e. The driveway widths should be no greater than 12 feet of lot frontage and should flair wider to the garage door.
 - f. Single lane driveways that flair at garage or shared driveways to be used by more than one house.
 - g. Quality design and construction.
 - h. Architecture compatible with existing neighborhoods and their traditional character.
 - i. All sides of residences should be detailed and articulated with relief elements and changes in plane with elements such as bay windows, chimneys, trellises or changes in materials.

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- j. A minimum of three different front façades with some set further back from neighboring facades to create texture and interest.
 - k. A color board to include manufacturer's specifications for color samples of building materials and roofs. The colors selected shall be muted, darker tones and shall be selected to match color tones seen in surrounding areas. Red tile roofs shall be avoided. The specular gloss rating of the roof material shall be 10 percent to 15 percent at an angle 60 degrees.
 - l. Outdoor electrical outlets shall be provided to encourage the use of electric appliances and tools.
 - m. Building design shall include as many energy-conserving features as possible including, but not limited to, increasing wall and roof insulation to 10% above Title 24 requirements.
 - n. Low nitrogen oxide emitting water heaters and built-in efficient appliances shall be provided.
 - o. Double-paned thermally-efficient windows shall be used on all structures.
 - p. Energy efficient interior lighting shall be used in all structures.
 - q. Shade trees shall be provided along southern exposures of buildings to reduce summer cooling needs.
 - r. Roof materials with a solar reflectance value meeting the EPA/DOE Energy Star rating shall be used to reduce summer cooling needs. These roof materials are required to be of muted darker tones.
 - s. Only APCD approved wood burning devices shall be installed in new dwelling units. The project applicant shall provide new home buyers with information identifying approved wood-burning devices.
 - t. All buildings shall be constructed with spark arresters on all chimneys and fire retardant roofing material as described in Section 3202 of the Uniform Building Code. Any wood shingles or shakes shall have a Class "A" or "B" rating and shall be approved by the San Miguel Community Services District prior to installation.
 - u. A Fire Safety and Fuel Reduction Plan in accordance with California Department of Forestry standards.
 - v. Compliance with the approved Project Recycling Plan that applies to the on-going operation of the subdivision after the residences have been completed.
 - w. In accordance with the Uniform Plumbing Code, ultra low-flow toilets (1.6 gallons per flush) shall be installed within the proposed project. Low-flow shower heads (2.0 gallons per minute) shall also be utilized.
 - x. All appliances installed within the proposed project shall be water conserving models, including but not limited to, dishwashers.
 - y. The proposed project shall, where possible, use efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots.
 - z. All proposed structures shall be designed to insure the 45 dBA Leq interior noise standard is met. Measures to achieve this standard may include, but are not limited to, the use of mechanical ventilation provided per the Uniform Building Code. Windows and sliding glass door frames shall be mounted in low air infiltration rate frames (0.5 cfm or less per ANSI specifications) or exterior doors shall be solid core with perimeter weather-stripping and threshold seals
4. Prior to final of any related building permit, all approved landscaping shall be installed.

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5. During construction/ground disturbing activities for residential construction, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.
 - f. Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.
 - g. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.
6. **Prior to issuance of construction permits**, the following notes shall be shown on construction plans, and shall be implemented during construction:
 - a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and,
 - d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
 - e. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - f. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - g. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and, Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.

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7. Developmental burning shall be prohibited unless a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF) is obtained. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
8. **Prior to issuance of construction permits**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
 - a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.
9. **Prior to issuance of construction permits**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
10. **Prior to construction**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
11. To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
12. During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.

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13. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
14. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species using adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
15. All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
16. No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
 - a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 1) Potential San Joaquin kit fox den: 50 feet
 - 2) Known San Joaquin kit fox den: 100 feet
 - 3) San Joaquin kit fox pupping den: 150 feet.
17. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.

If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.
18. Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

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19. **Prior to final inspection**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
 - a. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches.
 - b. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.
20. **Prior to issuance of construction permits**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
21. **Prior to issuance of construction permits**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.
22. All residential construction will participate in any County Transportation Impact Fee Programs or any other applicable roadway or intersection improvement programs and provide its fair share contribution based upon the extent of project impacts.
23. All landscaping to be installed on site shall reflect the following water conservation methods in perpetuity: landscape with low water consuming plants; group plants with similar irrigation requirements to reduce over-irrigation; use of mulch in order to improve the water holding capacity of the soil by reducing evaporation and soil compaction and install efficient irrigation systems that minimize runoff and evaporation and maximize the amount of water that will reach the plant roots. Drip irrigation, soil moisture sensor and automatic irrigation systems also represent methods of increasing irrigation efficiency.

Services

24. **At the time of application for construction permits**, the applicant shall provide a letter from San Miguel Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

25. **Prior to issuance of construction permits**, the applicant shall provide funding for the County of San Luis Obispo to retain a cultural resource management firm with demonstrated expertise in Mission era structures and resources to provide the following:
 - a. Perform a subsurface investigation of the "remainder" lot south of the Diocese property, and on Lot 1 in order to confirm the presence and evaluate any potentially significant cultural resources associated with the neophyte quadrangle in any area potentially affected by proposed future road or access development.
 - b. Consult with the Diocese of Monterey to permit stabilization and other protective measures to the east side of the neophyte quadrangle in order to conserve the last remaining above ground remnant of the north wall of this facility.

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- c. Develop estimates for the cost of archaeologically excavating 31 neophyte rooms and 1,092 square meters on the Diocese property as an offset for the impact that occurred due to the illegal grading of the Diocese properties and the project site. A payment program shall be developed phased with the development of the tract. Monies shall be paid by the project applicant with credit for funds utilized for prior testing. These funds shall be held in trust by the California Mission Studies Association, California Missions Foundation or a comparable non-profit organization to be used for historical and archaeological studies of San Miguel Mission. Ideally, these studies would focus on Native American culture at the Mission. The program, payment phasing and fund administering organization shall be approved by the County of San Luis Obispo in consultation with the State of California, Office of Historic Preservation.
- d. Develop a detailed research design for an archaeological investigation of the brick and tile kiln. Upon the completion of the additional research, the applicant shall fund the construction and placement of a model of the neophyte quarters and kiln for interpretation purposes. Construction and placement of the model shall occur only if there is prior agreement by an appropriate institution to accept the model for interpretation purposes. Acceptable institutions include: Mission San Miguel, County of San Luis Obispo (Rios-Caledonia Adobe), County Historical Society, School District or a local San Miguel historical group with exhibit area.
- e. Prepare and assemble the appropriate application and supporting documentation and process the nomination for placement of the cultural resources unearthed and still in place within and adjacent to the Mission Gardens Estates site for inclusion in the California Register of Historical Resources.
- f. Prepare informational material appropriate for distribution at the Mission and elsewhere which presents photographs showing the Mission at different stages of its construction and alterations.
- g. Provide a monitoring plan that shall include at a minimum:
 - i. List of personnel involved in the monitoring activities, including a Native American representative;
 - ii. Description of how the monitoring shall occur;
 - iii. Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
 - iv. Description of what resources are expected to be encountered;
 - v. Description of circumstances that would result in the halting of work at the project site (e.g. What are considered "significant" archaeological resources);
 - vi. Description of procedures for halting work on the site and notification procedures and;
 - vii. Description of monitoring reporting procedures.

Fees

- 26. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
- 27. The proposed project will participate in any County Transportation Impact Fee Programs or any other applicable roadway or intersection improvement programs and provide its fair share contribution based upon the extent of project impacts.

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28. During construction/ground disturbing activities for residential construction, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- Reduce the amount of disturbed area where possible;
 - Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - All dirt stock-pile areas should be sprayed daily as needed;
 - All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.
 - Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.
 - Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.
29. During all ground disturbing construction activities, the applicant shall for a qualified archeologist and Native American representative, approved by the County of San Luis Obispo to monitor all earth disturbing activities pursuant to the approved monitoring plan. If any significant archeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity of the resource (precise area to be determined by the archeologist in the field) until such time as the resource can be evaluated by the archeologist. Human remains will be addressed according to State law. The applicant shall implement all mitigations as required by the Environmental Coordinator.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

30. Upon completion of all monitoring/mitigation activities and prior to occupancy or final inspection (whichever occurs first), the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/ mitigation activities; describing all features, deposits or cultural materials encountered; indicating provision for curation and confirming that all recommended mitigation measures have been met.
31. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

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**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE
CLEARINGHOUSE NUMBER 2004051154) FOR THE
MISSION GARDENS ESTATES TRACT 2527
EXHIBIT E**

The County of San Luis Obispo (the "County") hereby certifies the Mission Gardens Estates Final Environmental Impact Report, State Clearinghouse Number 2004051154, which consists of the Draft EIR, the Responses to Comments on the Draft EIR, the Mitigation Monitoring/Reporting Program, these Findings of Fact, the Staff Report and any associated attachments (collectively referred to as the "Final EIR"), and finds that it has been completed in compliance with the California Environmental Quality Act (Public Resource Code Section 21000, et seq.) ("CEQA") and that the County of San Luis Obispo has received, reviewed and considered the information contained in the Final EIR, all hearings, and submissions of testimony from officials and Departments of the County, the applicant, the public and other municipalities and agencies.

Having received, reviewed and considered the foregoing information, as well as any and all information in the record, the County of San Luis Obispo hereby makes these Findings of Fact pursuant to, and in accordance with, Section 21081 of the Public Resource Code as follows:

BACKGROUND

The proposed Mission Gardens Estates project involves a 60 lot residential development with lots ranging in size from 6,001 to 11,634 square feet within a 12.5 acre area, two open space lots and one remainder parcel. The project involves grading and installing improvements and utilities resulting in the disturbance of approximately 13 acres and movement of approximately 30,000 cubic yards of cut and fill. Earthwork is anticipated to balance on-site with equal amounts (15,000 cubic yards) of cut and fill. Off-site roadway improvements include provision of a two-lane, paved roadway extension from 11th Street south to the project boundary. Utility extensions will also be provided along this roadway to serve the proposed project.

The proposed project will be constructed in one phase. Project grading is expected to be completed within two months with construction of structures, roadways and utilities requiring an additional four to eight months.

Premature site work and improvements occurred during the summer of 2003. During these grading activities, portions of adjacent properties to the west and south, not owned by the applicant, were graded or disturbed. When the activity was noted, the County of San Luis Obispo was informed and issued an order to cease grading. This unauthorized grading had encroached onto two adjacent lots owned by the Diocese of Monterey, areas containing former neophyte dwellings and an orchard, both of which were associated with the historic operation of the Mission San Miguel. The neophyte dwelling is located on the terrace west of and overlooking the subject property with the Mission orchard located to the east and south of the neophyte dwelling area. Both of these areas were graded and topsoil was removed and placed on the project site to the east. Due to its rarity in the State, any structure or resource associated with one of the 21 original missions is considered extremely important. The Final EIR addresses the impacts of these previously-conducted, unauthorized grading activities as well as the

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impacts of project development upon cultural resources found within and adjacent to the project site.

The proposed project involves the following approvals from the County of San Luis Obispo: Certification of the Final Environmental Impact Report for the proposed Mission Gardens Estates project; Approval of Mitigation Monitoring Program for the proposed project; Approval of Vesting Tentative Tract 2527 to accommodate the proposed uses and issuance of grading permits, building permits, etc. from the County of San Luis Obispo. The proposed Mission Gardens Estates project may also require the following permits by other involved regulatory agencies including: Water Quality Certification and Storm Water Discharge Permits from the Central Coast Regional Water Quality Control Board; Wastewater Discharge Permits from the Central Coast Regional Water Quality Control Board; Section 404 permits under the Clean Water Act from the U.S. Army Corps of Engineers and review and approval of utility and building plans by the San Miguel Community Services District.

This Final Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) as amended (Public Resources Code Section 21000, et. seq.). This Final EIR is intended to address all of the impacts, mitigation measures, project alternatives, etc. associated with the current project. An Initial Study for the project was prepared by the County of San Luis Obispo and a Notice of Preparation (NOP) for an EIR was distributed to local Responsible and Trustee Agencies, the State Clearinghouse and other interested parties between May 24, 2004 and June 28, 2004. Various agencies and individuals provided written comments within the State-mandated 30-day public review period for the NOP. During the months of February, 2005 through April, 2005, the County of San Luis Obispo internally reviewed administrative draft copies of the Draft EIR.

Upon completion of this review, copies or notification of availability of the Draft EIR were forwarded to all Responsible/Trustee Agencies and interested groups and individuals. As was also the case for the Notice of Preparation, the Draft EIR was forwarded to the State Clearinghouse for distribution to and review by various involved State agencies. The State-mandated 45-day public review of the Draft EIR began on April 12, 2005 and ended on June 1, 2005. A Response to Comments package was prepared which presented all written comments received in response to the public review of the Draft Environmental Impact Report.

The contents of the Draft EIR, the Responses to Comments on the Draft EIR, the Mitigation Monitoring/Reporting Program, these Findings of Fact, the Staff Report and any other related attachments or additional materials comprise the Final Environmental Impact Report for the proposed Mission Gardens Estates project.

This Final EIR has been prepared for the County of San Luis Obispo in accordance with the California Environmental Quality Act (CEQA), as amended, and County Guidelines for the Implementation of CEQA. Pursuant to California Public Resources Code 21082.1, the County of San Luis Obispo has independently reviewed and analyzed the information contained in the Final Environmental Impact Report. The conclusions and discussions contained herein reflect the independent judgment of the County of San Luis Obispo as to those issues at the time of publication.

THE ENVIRONMENTAL IMPACT REPORT

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An Initial Study for the Mission Gardens Estates project was prepared by the County of San Luis Obispo in January, 2003, which identified potential environmental impacts attributable to the proposed project. These potential impact areas include aesthetics; agricultural resources; air quality; biological resources; cultural resources; geology and soils; hazards/hazardous materials; noise; population and housing; public services (police protection, fire protection, schools, solid waste, energy and communications systems); recreation; transportation/circulation; wastewater; water and land use and planning. In addition, the State CEQA Guidelines require analysis of unavoidable adverse impacts, project alternatives, growth inducing impacts, cumulative impacts and provision of a Mitigation Monitoring/Reporting Program. As a result of the Initial Study, it was determined that the proposed project may have a significant effect on the environment and an Environmental Impact Report (EIR) was required.

The Final EIR analyzed both project and cumulative effects of potential environmental impacts noted above. The Final EIR developed and identified a variety of mitigation measures to minimize, reduce, avoid or compensate for the potential adverse effects of the proposed project.

The Final EIR discussed a number of potential alternatives to the proposed project, including the: 1) the No Project Alternative; 2) the Resource Avoidance Alternative A; 3) the Resource Avoidance Alternative B; 4) the Resource Avoidance Alternative C; 5) Alternate Land Uses and 6) Alternative Site Locations.

Public hearings have been held on the project proposal and its associated environmental impacts by the County of San Luis Obispo Planning Commission prior to the certification of the Final EIR.

The County of San Luis Obispo makes the following findings in adopting a Resolution certifying the Final EIR. Section 1 of these Findings contains the Statement of Overriding considerations. Section 2 discusses those potential environmental effects of the proposed project which have been mitigated to a level of insignificance. Section 3 discusses the potential environmental effects of the proposed project which were determined not to be significant. Section 4 discusses the significant unavoidable environmental effects of the proposed project which cannot be feasibly mitigated to a level of insignificance. Section 5 discusses the growth-inducing impacts of the proposed project. Section 6 discusses the alternatives to the proposed project discussed in the Final EIR. Section 7 discusses the Mitigation Monitoring/Reporting Program for the proposed project. Section 8 contains the required Section 15091 and 15092 Findings. The findings set forth in each section are supported by substantial evidence in the administrative record of the proposed project. Exhibit A to this Findings package contains the Mitigation Monitoring Program for the proposed project.

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SECTION 1

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed significant effects which will occur as a result of the proposed Mission Gardens Estates project. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to a level of insignificance except for project-related significant, unavoidable adverse impacts in the area of Cultural Resources as identified in Section 4 of these Findings. Section 15093 (a)(b) of the State CEQA Guidelines states that the County of San Luis Obispo, as Lead Agency, must "balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project." If the benefits of a project outweigh its unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." When the Lead Agency approves a project which will result in significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the Lead Agency must state the specific reasons to support its action.

Having reduced the effects of the proposed project by adopting the conditions of approval and a program to monitor mitigation measures for certain project impacts (as discussed in Section 2 and 3 of these Findings) and having balanced the benefits of the proposed project against the proposed project's potential unavoidable adverse impacts (as noted in Section 4 of these Findings), the County of San Luis Obispo hereby determines that the specific economic, legal, social, technological or other benefits of the proposed project outweigh these significant unavoidable adverse impacts based on the following overriding considerations:

1. The proposed project provides residential land uses within an overall land use plan which cannot be accomplished on a parcel-by-parcel basis.
2. The proposed project provides a net increase of 59 residences which responds to the demand for housing in the San Miguel area and north San Luis Obispo County.
3. The proposed project is consistent with the land uses designated within the San Miguel Urban Area Design Plan which designates the entire project site for Residential Single Family uses.
4. The revised project design conforms to the 60 dwelling unit density limitation placed on the site by the County Land Use Ordinance.
5. The proposed project is in conformance with the regulations contained within the San Luis Obispo County Land Use Ordinance relative to the residential clustering requirements. The proposed 60-lot residential subdivision is clustered within 13 acres of the 50.61 acre project site in compliance with cluster subdivision criteria within the Land Use Ordinance. The developed portion of the proposed project is located west of and avoids the Flood Hazard combining designation.

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6. The proposed project will provide approximately 31 acres of open space areas along the project boundaries which will provide an open space buffer between developed portions of the site and the Salinas River.
7. The proposed project provides a backbone infrastructure system and public facilities (including water, wastewater and utility systems) in an efficient and timely manner which support the proposed development of the subject property.
8. The proposed project provides an on-site roadway system and required off-site roadway improvements that are consistent with County roadway design standards and provides safe and efficient access between the project site and off-site arterials.
9. The proposed project provides access in the form of an offer of dedication of access easements to the parcel under separate ownership located on the western site boundary.
10. The proposed project will provide the opportunity for continued historical and archaeological studies of the San Miguel Mission while also insuring protection and avoidance of known resources both within and adjacent to the site boundaries.
11. The proposed project will generate development fees and will indirectly generate an incremental increase in sales tax revenue to the County of San Luis Obispo.

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SECTION 2

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN MITIGATED TO A LEVEL OF INSIGNIFICANCE

All Final EIR mitigation measures (as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings) have been incorporated into the Conditions of Approval for the proposed Mission Gardens Estates project.

The County of San Luis Obispo has determined that these mitigation measures and conditions of approval will result in a substantial reduction of the following impacts which have been mitigated to a level of insignificance. The mitigation measures referred to below are contained within the Mitigation Monitoring Program which is attached as Exhibit A to these Findings.

A. Aesthetics

1. Impacts – Refer to Final EIR pages V-7 through V-9.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures A-1 through A-5 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – Construction and occupation of the proposed Mission Gardens Estates project will result in the permanent alteration in the nature and appearance of the project site for areas devoted to the proposed residential subdivision which will involve the construction of roads, utilities and structures. Development of the proposed project will result in the physical alteration of approximately 13 acres of the 50.61 acre site. The balance of the site will be left in its existing condition. The proposed structures will be contained within the 12.51 acre development area. Structures will vary in height between 18 and 20 feet. Building materials will include a combination of stucco and wood siding with composition shingle roofs.

Construction of the proposed Mission Gardens Estates project will result in short-term impacts to views of the project site during construction activities. Temporary construction impacts will result from grading activities and construction of proposed structures and roadways. Impacts to views of the area during project construction are considered to be less than significant due to their temporary nature.

The shielding of the site due to topography and vegetation will significantly reduce the visual scale and the extent of visibility of the proposed structures.

While visible in the background, the proposed structures appear to be visually compatible with immediately surrounding land uses. There is no obstruction or degradation of scenic views of the area or substantial alteration in the features visible from Mission Street or 11th Street. Given the minimal change in the overall viewscape as a result of project development, the proposed project will result in less than significant visual impacts to views from these three view locations.

The proposed Mission Gardens Estates project will have lighting within the buildings and along proposed roadways. As such, night lighting will be generated on the project site. Views from 11th Street as well as from adjacent properties will be impacted due to project-related light and glare.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant aesthetics impacts associated with the proposed project will be reduced to a level of insignificance.

B. Agricultural Resources

1. Impacts – Refer to Final EIR pages V-11 through V-13.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures B-1 and B-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings —
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen certain significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – Development of the Mission Gardens Estates project will result in the permanent reduction in the amount of land potentially available for grazing or other agricultural activities. The proposed project will convert approximately 13 acres to developed uses involving a 60 lot residential subdivision with approximately 37.6 acres remaining within an open space lot and remainder parcels.

As no prime agricultural land will be converted to urban uses under the proposed project, impacts to prime soils will be less than significant.

Potential land use conflicts between proposed residential uses and adjacent agricultural operations include an increased risk of trespassing, property damage and increased security for the ranch operation. Practices associated with the intensive agricultural use on adjacent parcels such as tilling, noise from tractors, irrigating, spraying of chemicals and odors could generate Right-to-Farm conflicts between project residents and their off-site neighbors.

With the incorporation of the mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially

significant agricultural resources impacts associated with the proposed project will be reduced to a level of insignificance.

C. Air Quality

1. Impacts – Refer to Final EIR pages V-19 through V-24.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures C-1 through C-29 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence – Temporary impacts would result from project construction activities. Air pollutants would be emitted by construction equipment and fugitive dust would be generated during grading and site preparation. Reactive Organic Gases and Nitrogen Oxides emissions are projected to be well below the 187 lbs/day thresholds for these pollutants. PM10 emissions (2.67 tons per quarter) are projected to exceed the 2.5 tons/quarter APCD threshold for this pollutant.

Regional long-term air quality impacts will result from development of the proposed project. The main source of regional emissions generated by the proposed project is motor vehicles. Other emissions are generated by the combustion of natural gas for space and water heating for the buildings of the proposed project. Emissions are also generated by the use of natural gas and oil for the generation of electricity off-site. Pollutant emissions associated with the proposed project are projected to exceed Tier 1 thresholds for NOx. Project emissions are not projected to exceed Tier II thresholds for any air pollutants.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant air quality impacts associated with the proposed project will be reduced to a level of insignificance.

D. Biological Resources

1. Impacts – Refer to Final EIR pages V-30 through V-32.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures D-1 through D-17 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.

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3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence - Project development will occur within an area that was recently graded and was subject to prior agricultural operations. These areas contain scattered non-native weedy species. The direct loss of these non-native weedy species or native grasses which would otherwise inhabit the site over approximately thirteen acres is considered to be an insignificant impact to the botanical resources of the area.

Project development will avoid the riparian vegetation found within the Salinas River channel due to the 31.77 acre open space parcel (Lot 61) proposed on the eastern portion of the project site.

Given the general lack of sensitive or special status species found in areas proposed for project development, no Federally or State-listed rare, threatened or endangered plant species would be directly removed or affected by project activities.

Development of the project will result in the loss of wildlife habitat and the potential loss of individuals of common wildlife species. These direct impacts will occur with ground disturbance, vegetation removal, noise and increased human presence during the development of the site as well as subsequent human use.

No Federally or State-listed rare, threatened or endangered animal species would be directly removed or affected by project activities. However, the project site is located within an area identified as habitat for the Federally endangered and State threatened San Joaquin kit fox. The project is subject to the requirements of the standard San Joaquin kit fox mitigation program established by the County of San Luis Obispo and the California Department of Fish & Game. Due to a typographic error, an incorrect figure was included in the DEIR and FEIR. The corrected figure has been included in the conditions of approval, and the Mitigation Monitoring Program attached to these Findings.

Indirect impacts to native habitats may occur due to public access into areas immediately adjacent to the project site. The primary sensitive habitat adjacent to the project site is the Salinas River channel. Increased public access into this area will occur with project development due to the increased incidence of trespassing, vandalism and disturbance by people and their pets.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant biological resources impacts associated with the proposed project will be reduced to a level of insignificance.

E. Cultural Resources

1. Impacts – Refer to Final EIR pages V-49 through V-52.

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2. Mitigations – Refer to Conditions of Approval and Mitigation Measures E-1 through E-12 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – The slope which runs along the western boundary of the Mission Garden Estates site is known to contain a wide variety of cultural material and at least one structural feature. Some of the artifacts, building materials and subsistence waste may have been displaced by the unauthorized grading of the neophyte quarters on the upper terrace west of the project site. Other artifacts may have been discarded there as a refuse area during the Mission period occupation of these dwellings. Concentrations of discards have also been observed on the lot to the north of the Diocese property, suggesting that intact and potentially significant deposits may be present at that location. The important information that would be lost by any process that displaces these cultural resources from their primary location and contextual association is considered to represent a significant adverse impact.

The brick and tile kiln built on a stone foundation on the slope below the Diocese property is considered to be one of the few surviving examples of Mission construction of its kind. Grading of the known feature and disturbance or relocation of portions of it would eliminate the opportunity to identify and interpret the feature. Such disturbance is also considered to represent a significant adverse impact.

The construction of erosion control barriers or devices on or impacting the Diocese property may result in disturbance of surviving remnants of the neophyte quarters, refuse deposits, etc.

Any further development within the parcels north or south of the Diocese property, including the provision of access roadways or utility trenches may potentially disturb known or unknown buried deposits within these lots.

It must be acknowledged that any grading or other disturbance of any buried deposits associated with the Native American community would be a significant effect. Any loss of integrity of cultural resources would be contrary to the values and concerns expressed by the Native American Salinan community.

Future occupation of the proposed project may result in the loss of historical artifacts, damage or destruction of cultural features and buried architectural elements through artifact collection and looting or through future project residents' future use or development of their properties. Among the common effects that come with the construction of residential housing near an archaeological site are the inadvertent disturbance of artifacts or their deliberate collection by relic hunters.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, certain potentially significant cultural resources impacts associated with the proposed project as noted above will be reduced to a level of insignificance.

F. Geology and Soils

1. Impacts – Refer to Final EIR pages V-58 through V-61.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures F-1 through F-8 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – Development of the proposed Mission Gardens Estates project will result in the permanent alteration of the existing landform to accommodate the proposed uses. Project grading will primarily occur on approximately 13 acres in order to provide flat pads and excavation necessary for construction of the proposed roads, utilities, drainage facilities and structures.

In order to prepare the site for project construction, a total of 30,000 cubic yards of cut and fill is estimated to be required. Earthwork is estimated to balance on-site with equal amounts (15,000 cubic yards) of cut and fill.

Due to the presence of the Rinconada Fault Zone in close proximity to the project site, the potential for ground shaking due to a seismic event from this fault as well as from other faults in the area is considered high. It is unlikely that ground rupture would impact proposed buildings in this area; therefore, no adverse project impacts in this regard are anticipated.

Development of the proposed Mission Gardens Estates project will result in an increase in surface runoff due to the creation of impervious surfaces such as buildings, roadways, etc. Due to the relatively small area of impervious surfaces proposed (13 acres), storm water runoff rates will not be significantly increased by development of the proposed project.

The proposed project does not place any structures within the 100-year floodplain associated with the Salinas River to the east. According to the 100 Year Flood Analysis, building sites within the proposed project will not be inundated during a 100-year flood event.

Development of the proposed project will alter the composition of surface runoff by the grading of the sites surfaces, by the construction of impervious surfaces (streets, roofs, parking lots, etc.) and the irrigation of landscaped areas.

With the incorporation of the mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant geology and soils impacts associated with the proposed project will be reduced to a level of insignificance.

G. Hazards/Hazardous Materials

1. Impacts – Refer to Final EIR page V-64.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures G-1 and G-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – Although there is no evidence of hazardous materials on the Mission Gardens Estates site, two potential sources of hazards or hazardous waste may occur on the site. Prior agricultural activities may have utilized wells that are no longer used or easily observed. In addition, unauthorized dumping may have occurred.

The developed portion of the project site is located approximately 300 to 500 feet east of the existing Southern Pacific Railroad tracks. With the provision of 60 new homes and 172 new residents, there is an increased potential for unauthorized public access onto or across the Southern Pacific Railroad tracks. Without fencing or other suitable barrier, increased public access to the tracks presents an attraction to the public, particularly to children. Unauthorized public access across the tracks offers a more direct route to destinations to the west, such as Mission Street.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant hazards/hazardous materials impacts associated with the proposed project will be reduced to a level of insignificance.

H. Noise

1. Impacts – Refer to Final EIR pages V-67 through V-70.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures H-1 through H-3 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.

3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – Construction noise represents a short-term impact on ambient noise levels. The primary source of construction noise is heavy equipment. Noise generated by construction equipment, including trucks, graders, bulldozers, concrete mixers and portable generators can reach high levels. Grading will generate the highest levels of noise during construction.

Long-term noise impacts from the proposed Mission Gardens Estates project on land uses in the vicinity of the project will result from traffic noise increases. The addition of project traffic onto 11th Street, the primary access route for project traffic, is estimated to result in a maximum noise increase of 0.7 CNEL over existing noise conditions on this roadway. The proposed Mission Gardens Estates project will, therefore, not result in a substantial noise level increase at any sensitive receptors and therefore will not result in a significant noise impact.

The project site is exposed to noise levels of approximately 47 CNEL. Given the distance (800 feet) to the nearest noise source, Mission Street and one-half mile to U.S. Highway 101, the proposed project will not be exposed to severe noise levels.

The adjacent Southern Pacific Railroad tracks will expose project residents to intermittent noise levels and vibration. Noise levels at the project site generated by these railroad tracks, with its current level of use, will not exceed 55 CNEL.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant noise impacts associated with the proposed project will be reduced to a level of insignificance.

I. Police Protection

1. Impacts – Refer to Final EIR pages V-74 through V-75.

2. Mitigations – Refer to Conditions of Approval and Mitigation Measure JP-1 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.

3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – The proposed Mission Gardens Estates project involves the construction and occupation of a 60 lot residential subdivision which would generate approximately 172 new residents. With any increase in public use, it can be expected that activities will occur (such as vandalism or trespassing) which, in turn, may require Sheriff's Office response when reported. The proposed project would represent an incremental addition to the regional demand on the currently limited resources of the County Sheriff's Department.

With the incorporation of the mitigation measure as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant police protection impacts associated with the proposed project will be reduced to a level of insignificance.

J. Fire Protection

1. Impacts – Refer to Final EIR pages V-76 through V-77.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures JF-1 through JF-5 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence – The proposed Mission Gardens Estates project involves construction and occupation of a 60 lot residential subdivision which would generate approximately 172 new residents. Development of the proposed project will result in an incrementally increased demand for fire protection and emergency services. This increased demand may, in turn, contribute to the need for additional fire fighters, additional equipment, and/or improvements to existing facilities. The project site lies within an acceptable response time from the nearest fire station.

Primary access to the project site will be via 11th Street east of Mission Street to an easement road leading south to the subject property. The primary access roadway and on-site roadways will contain two travel lanes within a forty foot paved roadway section, a width sufficient to accommodate two-way travel for emergency vehicles entering the site while allowing other vehicles to depart the property. The project proposes to utilize an existing unpaved road at the southern site boundary as a secondary, emergency-only access. This access will be gated at the tract boundary and will be reconstructed to a 16-foot width

with an all-weather base. This access will traverse the Southern Pacific Railroad tracks in order to reach Mission Street.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant fire protection impacts associated with the proposed project will be reduced to a level of insignificance.

K. Schools

1. Impacts – Refer to Final EIR pages V-79 through V-80.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measure JS-1 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence – The proposed Mission Gardens Estates project is estimated to generate a total of 40 students based upon student generation factors provided by the San Miguel School District and the Paso Robles Joint Unified School Districts

With the incorporation of the mitigation measure as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant schools impacts associated with the proposed project will be reduced to a level of insignificance.

L. Solid Waste

1. Impacts – Refer to Final EIR pages V-81 through V-82.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures JW-1 and JW-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – The proposed Mission Gardens Estates project will generate increased amounts of solid waste thereby increasing service demands upon local solid waste haulers. Based upon solid waste generation factors provided by the National Solid Waste Association, the proposed project is estimated to generate approximately 894.4 pounds of solid waste per day or 163.2 tons of solid waste annually. A portion of this total will be recycled.

The proposed project will also generate solid waste during construction. Construction wastes generally consist of lumber, roofing, building materials, concrete, debris, etc. Construction of 60 residences with an average of 2,500 square feet per dwelling unit is estimated to generate a total of approximately 1,200 tons of construction waste.

Development of the proposed project will, through generation of solid waste, incrementally shorten the lifespan of the Chicago Grade Landfill. The proposed project's estimated daily solid waste total represents a 0.09% increase in the maximum daily solid waste stream of the Chicago Grade Landfill.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant solid waste impacts associated with the proposed project will be reduced to a level of insignificance.

M. Energy

1. Impacts – Refer to Final EIR pages V-84 through V-85.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures JE-1 through JE-4 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

4. Supportive Evidence – The primary use of natural gas by the proposed project will be for combustion to provide space heating, water heating, cooking and other miscellaneous heating and air conditioning. Project development is estimated to consume an average of 399,900 cubic feet of natural gas per month. The

Southern California Gas Company anticipates that sufficient natural gas supplies will be available to meet the natural gas service needs of the proposed project.

The proposed project will also generate the demand for electrical energy primarily for lighting, cooking, appliance use, refrigeration and heating. Project development is estimated to generate an electrical demand of 364,860 kilowatt hours per year. These estimated demands for electrical generating capacity fall within the anticipated service parameters of the Pacific Gas and Electric Company.

Project development will result in the estimated consumption of 318 gallons of gasoline per day.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant energy impacts associated with the proposed project will be reduced to a level of insignificance.

N. Communications Systems

1. Impacts – Refer to Final EIR page V-87.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures JC-1 and JC-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence – Development of the proposed project will result in an incrementally increased demand upon the infrastructure and service requirements of SBC and Charter Communications. This additional demand falls within the service parameters of Pacific Bell and Charter Communications.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant communications systems impacts associated with the proposed project will be reduced to a level of insignificance.

O. Recreation

1. Impacts – Refer to Final EIR pages V-88 through V-89.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures K-1 through K-3 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.

3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – Development of the proposed Mission Gardens Estates project will result in the creation of an additional demand upon existing park and recreational facilities in the area. However, the addition of 172 new residents is not expected to generate any significant additional demand upon existing park facilities in the San Miguel area. Development of the proposed project will not result in impacts upon or the elimination of any significant recreational use of the project site which currently provides a passive open space function.

With the incorporation of the mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant recreation impacts associated with the proposed project will be reduced to a level of insignificance.

P. Transportation/Circulation

1. Impacts – Refer to Final EIR pages V-92 through V-94.

2. Mitigations – Refer to Conditions of Approval and Mitigation Measures L-1 through L-4 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.

3. Findings –

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

4. Supportive Evidence – According to the project Traffic Analysis, project development is estimated to generate a total of 574 daily vehicle trips. The project will generate 45 morning peak hour vehicle trips and 61 evening peak hour vehicle trips. All of these vehicle trips will utilize 11th Street in order to gain access to Mission Street to the west. Fifteen percent of project traffic is estimated to go north on Mission Street from 11th Street, with 85 percent of project traffic headed to the south. Of these total trips, 20 morning peak hour trips and 42 evening peak hour trips are expected to utilize the Highway 101/10th Street interchange while five morning peak hour and ten evening peak hour trips will utilize the Highway 101/Mission Street interchange.

Within the existing plus project plus cumulative development traffic scenario, which is considered to represent the “worst case” or maximum probable impact scenario, the Mission Street/11th Street and the Highway 101 southbound on-ramp intersections are projected to operate at an acceptable Level of Service B

while the Highway 101 northbound on-ramp at 10th Street is projected to operate at an acceptable Level of Service A.

According to the project traffic engineer, due to low traffic volumes after project development, traffic should not back up onto the railroad track which traverses 11th Street east of Mission Street.

The project proposes to utilize an existing unpaved road at the southern site boundary as a secondary, emergency-only access. This access will be gated at the tract boundary and will traverse the railroad tracks in order to reach Mission Street.

The proposed Mission Gardens Estates project will not have a significant impact upon existing transit services. An incremental increase in transit use can be expected as a result of the proposed project but existing transit services are expected to accommodate any increases in transit demand. The closest transit stop is located at Mission Street and 14th Street, approximately one-half mile from the project site.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant transportation/circulation impacts associated with the proposed project will be reduced to a level of insignificance.

Q. Wastewater

1. Impacts – Refer to Final EIR pages V-96 through V-97.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures M-1 and M-2 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence – Development of the proposed Mission Gardens Estates project will result in the increased demand for wastewater treatment service. The proposed project will result in the generation of 12,000 gallons of wastewater per day.

Sewer service to the proposed project will be provided through a system of 8-inch sewer mains which will be located within the roadways of the proposed project, a sewage lift station located on the east side of the developed portion of

the site and a sewer force main leading to the main project access road. This force main will extend to and connect into the existing 8-inch sewer main located in 11th Street. Sewage from the proposed project will flow via off-site transmission lines north to the existing San Miguel Community Services District Wastewater Reclamation Facility. The additional wastewater flows from the proposed project represent a 10.6% addition to the average daily flows to this facility and 6.0% of its design capacity.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant wastewater impacts associated with the proposed project will be reduced to a level of insignificance.

R. Water

1. Impacts – Refer to Final EIR pages V-98 through V-99.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures N-1 through N-7 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
 - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
4. Supportive Evidence - The proposed Mission Gardens Estates project will result in the increased daily demand for water supplies. Project-related construction activities will require the use of water for grading (dust control) and other construction-related activities. Use of potable water for construction purposes would result in a reduction of available water for the remaining water users in the area.

Development of the proposed project will result in the long-term demand for additional water supplies. The proposed project will require a total of 24,000 gallons per day or approximately 26.87 acre-feet per year

Potable water service to the proposed project will be provided through a system of 8-inch water lines which will be located within the roadways of the proposed project. An off-site water main will be extended north on the project access road to connect to the existing 8-inch water supply line in 11th Street.

With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially

significant water impacts associated with the proposed project will be reduced to a level of insignificance.

S. Land Use and Planning

1. Impacts – Refer to Final EIR pages V-102 through V-104.
2. Mitigations – Refer to Conditions of Approval and Mitigation Measures 0-1 through 0-3 as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings.
3. Findings –
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
4. Supportive Evidence - Development of the proposed Mission Gardens Estates project will result in the transition of land uses from undeveloped, vacant land to the proposed 60 lot residential subdivision containing roads, utilities, drainage facilities and structures. This land use transition will occur on approximately 13 acres of the 50.61 acre site. Project development will occur within an area that was recently graded and was subject to prior grazing and agricultural operations.

Given the undeveloped nature of the project site and the diverse nature of uses in surrounding areas, the proposed project will not disrupt an established community or overall pattern of development in the San Miguel area.

The existing residence located at the northwest corner of the project site within a proposed remainder parcel raises a land use issue. This existing residence, in combination with the 60 proposed residential lots, results in a total provision of 61 dwelling units on the project site which exceeds the 60 dwelling unit density limitation placed on the site by the County Land Use Ordinance.

The project applicant will be required to insure compliance with the Subdivision Map Act requirements relative to creation of remainder parcels through the redesignation of one of the proposed remainder parcels as either a residential or open space lot

The proposed Vesting Tentative Tract 2527 creates a “landlocked” parcel, i.e. a legal parcel lacking either dedicated or physical access to a public roadway. The parcel located along the western project boundary is currently under the ownership of the Diocese of Monterey. This parcel is surrounded on three sides by Vesting Tentative Tract 2527 and on the west by the Southern Pacific Railroad tracks. With the proposed residential subdivision and an intervening downslope to the west, potential access to this parcel could only occur from the north and south.

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With the incorporation of mitigation measures as set forth in the Mitigation Monitoring Program attached as Exhibit A to these Findings, the potentially significant land use and planning impacts associated with the proposed project will be reduced to a level of insignificance.

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SECTION 3

POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN IDENTIFIED AS INSIGNIFICANT

Certain impacts were analyzed in the Final EIR which have been identified as insignificant. In certain cases, mitigation measures (as set forth in the Mitigation Monitoring Program) have been incorporated into the Conditions of Approval for the proposed Mission Gardens Estates project.

The County of San Luis Obispo has determined that the following impacts are insignificant.

A. Agricultural Resources

1. Impacts – Refer to Final EIR pages V-7 through V-9.
2. Mitigations – No additional mitigation measures are proposed.
3. Findings – Impacts related to the conversion of the project site to non-agricultural uses, the loss of prime agricultural soils and the creation of development pressures on adjacent agricultural lands are not considered to be significant.
4. Supportive Evidence – see Section 2.A of these Findings.

B. Air Quality

1. Impacts – Refer to Final EIR pages V-19 through V-24.
2. Mitigations – No additional mitigation measures are proposed.
3. Findings – Local, long-term air quality impacts upon areas immediately adjacent to the proposed project are not considered to be significant.
4. Supportive Evidence – See Section 2.C of these Findings.

C. Noise

1. Impacts – Refer to Final EIR pages V-67 through V-70.
2. Mitigations – No additional mitigation measures are proposed.
3. Findings – Long term off-site traffic-related noise impacts and impacts due to aircraft and railroad noise are not considered to be significant.
4. Supportive Evidence – See Section 2.H of these Findings

D. Population and Housing

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1. Impacts – Refer to Final EIR pages V-72 through V-73.
2. Mitigations – No mitigation measures are proposed.
3. Findings – The additional population and housing impacts associated with the proposed project are not considered to represent a significant adverse impact.
5. Supportive Evidence – Development of the proposed Mission Gardens Estates project will result in the development of 60 dwelling units with the resultant population generation of 172 new residents. This population and housing generation represents a 10.7% increase over current (2004) County population and housing totals for San Miguel. This additional population will indirectly generate additional demand for utilities and services as well as the need for additional commercial and retail services in the area.

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SECTION 4

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS WHICH CANNOT BE
MITIGATED TO A LEVEL OF INSIGNIFICANCE

The County of San Luis Obispo has determined that certain environmental impacts cannot be feasibly mitigated to a level of insignificance although the Final EIR contains mitigation measures and conditions of approval to be imposed on the proposed project which will provide a substantial mitigation of these effects. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 1 of these Findings) to substantiate the County's decision to accept these unavoidable adverse environmental impacts because of the benefits afforded by the proposed project.

A. Cultural Resources

1. Impacts – Refer to Final EIR pages V-49 through V-50.
2. Mitigations – The direct loss of the historical integrity of the neophyte housing and adjacent areas due to the previously-conducted unauthorized grading cannot be mitigated to an insignificant level in spite of Mitigation Measures E-1 through E-3. This significant, unavoidable adverse impact will require adoption of a Statement of Overriding Considerations by the Lead Agency.
3. Findings –
 - a. Specific economic, social, legal, technical or other considerations make the alternatives identified in the Final Environmental Impact Report infeasible. However, conditions of approval and features incorporated into the proposed project will reduce, to the extent feasible, the adverse environmental effect.
4. Supportive Evidence – The project site and adjacent properties to the west were the subject of premature site work and improvements which occurred during the summer of 2003. These grading activities that occurred on the adjacent Diocese property unearthed the east perimeter wall, interior room partition foundations and hearths within the neophyte housing quadrangle found on that property. Specifically, this unauthorized grading affected 1,092 square meters, resulting in the destruction or disturbance of approximately 31 neophyte dwelling rooms, including foundations, fire hearths, floors and walls. In addition, approximately 2,306 square meters with refuse areas and at least one important feature were disturbed on the adjacent slope.

The slope separating the upper terrace from the lower plain was strewn with animal bone, Mission-period roof and floor tile fragments, stone artifacts and flakes, historic ceramics, ash and other cultural material. A brick and tile feature

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identified as a kiln, located at the western edge of the Mission Gardens Estates site, was also disturbed and damaged.

Mission Gardens Estates land east of the neophyte housing quadrangle was also disturbed. The actual extent of disturbance or resource loss on the lower terrace is unknown, but limited investigation encountered at least two deposits.

Any intrusion or disturbance of the neophyte quarters at Mission San Miguel is considered to be a significant impact. Except for the small remnant of standing adobe along the northern wall, no evidence that could testify to either architecture or the life of the neophytes remains above the ground. Archeological information lost during the unauthorized grading includes structural remains, room interiors, hearths, "front yards," "rear yards," the central courtyard and all associated cultural materials or deposits. The resulting destruction of architectural elements, including adobe bricks, exterior and interior stone foundations, floors and door sills is considered to represent a significant loss.

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SECTION 5

GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

The State CEQA Guidelines (Section 15126 (g)) require an EIR to discuss how a proposed project could directly or indirectly lead to economic, population or housing growth. A project may be growth-inducing if it removes obstacles or impediments to growth, taxes community service facilities or encourages other activities or sets precedents which cause significant environmental effects. The potential growth-inducing impacts of the proposed project are discussed below in terms of these criteria.

Economic, Population or Housing Growth

The proposed Mission Gardens Estates project will result in the development of 60 dwelling units with the resultant population generation of 172 new residents. This population estimate is based upon a factor of 2.86 persons per dwelling unit which reflects the current persons per household average for San Miguel. This population and housing generation represents a 10.7% increase over current (2004) population and housing totals of San Miguel. This additional population will indirectly generate additional demand for utilities and services as well as the need for additional commercial and retail services in the area.

Removal of an Impediment to Growth

In order to fully evaluate whether the proposed Mission Gardens Estates project results in the removal of an impediment to growth, the proposed project in relation to its surroundings must be considered. The Mission Gardens Estates project site is situated in an area characterized by single family residential development, commercial and institutional (Mission San Miguel) land uses adjacent to Mission Street, agricultural uses and vacant land. Areas surrounding the project site contain a mobilehome park and residential uses (north of the site), the Southern Pacific Railroad tracks, industrial and commercial uses along Mission Street and Mission San Miguel (west of the site), agricultural uses and vacant land (south of the site) and the Salinas River, vacant land and scattered residences (east and northeast of the site). Project approval could encourage development in agricultural areas south of the site and vacant areas to the west. Development of these adjacent areas would require amendments to the San Miguel Urban Area Design Plan and the County General Plan. This indirect impact upon adjacent lands is not considered to represent a significant impact.

The proposed project is expected to require the improvement of on-site roadways and infrastructure facilities to serve the developed project. All of these infrastructure facilities (roadways, water mains and utility connections) will emanate from 11th Street north of the project site. These infrastructure connections will be sized to serve only the proposed project and will not be oversized to serve other adjacent parcels. None of the required utility improvements will extend beyond the site boundaries or through any other properties nor are they currently anticipated to serve any other vacant properties adjacent to the project site. None of the proposed project infrastructure facilities will contribute to the inducement of growth or development in adjacent areas. Adjacent open space areas to the east are constrained for growth due to the 100-year floodplain associated with the Salinas River. This constraint further reduces the potential for

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extension of roadways, utilities or developed uses into adjacent areas to the east and southeast of the project site.

Impact on Community Service Facilities

The proposed Mission Gardens Estates project is not expected to significantly impact public services or utilities (police and fire protection, schools, solidwaste, energy and communications systems), water service and wastewater treatment.

Precedent-Setting Effects

Precedent setting concerns are defined as the ability of a project to set an example of what can be achieved on parcels with similar land use designations and parcels of land situated in similar locations within the project area and with similar constraints. Parcels of land potentially susceptible to precedent-setting effects of the proposed project include open space areas to the east and south. The proposed project would convert 13 acres of vacant land to residential land uses. Project approval could increase pressure on the site's owners to convert the remainder parcel located along the western portion of the subject property, to residential land uses in the future.

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SECTION 6

FINDINGS REGARDING ALTERNATIVES

Alternatives to the proposed project described in the Final Environmental Impact Report were considered. The alternatives discussed in the Final EIR constitute a reasonable range of potential options necessary to permit a reasoned choice. The Final EIR identified the No Project Alternative, the Resource Avoidance Alternative A, the Resource Avoidance Alternative B and the Resource Avoidance Alternative C as “environmentally superior” to the recently amended project design but approves the proposed project with the Conditions of Approval and Final EIR mitigation measures which will provide a substantial mitigation of the potential environmental effects. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (See Section 1 of these Findings) to substantiate the County’s decision to reject the environmentally preferred alternatives because of the benefits afforded by the proposed project.

A. No Project Alternative

Description of Alternative: The No Project Alternative would retain the project site in its present condition and land use. The project site is currently vacant with the exception of one single family residence and other auxiliary structures. The project site is currently utilized for limited grazing activities.

Comparison of Effects: The No Project Alternative would eliminate all of the environmental effects of the proposed project identified in Sections 2 through 4 herein, including all significant unavoidable adverse impacts associated with the proposed project. It is therefore, considered an “environmentally superior” alternative.

Findings: After comparing the relative impacts and benefits of the proposed project and the No Project Alternative, the County of San Luis Obispo did not select this Alternative. However, Conditions of Approval, monitored mitigation measures and features incorporated into the proposed project, as described in Sections 2 and 3 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The No Project Alternative fails to meet several of the project objectives including: 1) provide single family residential land uses; 2) provide a clustered project design; 3) provide required roadway improvements and safe access and 4) provide an adequate infrastructure system. This Alternative meets the following project objective at a level which is significantly less than that provided by the proposed project: 1) maintain consistency with County land use plans. The No Project Alternative also eliminates the other benefits associated with the proposed project as listed in Section 1 of these Findings. For these reasons, the No Project Alternative was rejected.

B. Resource Avoidance Alternative A

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Description of Alternative: Resource Avoidance Alternative A was developed in an effort to avoid impacts to the slope which runs along the western boundary of the Mission Garden Estates site which is known to contain a wide variety of cultural material and at least one structural feature. Some of the artifacts, building materials and subsistence waste may have been displaced by the unauthorized grading of the neophyte quarters on the upper terrace west of the project site. Other artifacts may have been discarded there as a refuse area during the Mission period occupation of these dwellings. The important information that would be lost by any process that displaces these cultural resources from their primary location and contextual association is considered to represent a significant adverse impact. The brick and tile kiln built on a stone foundation on the slope below the Diocese property is considered to be one of the few surviving examples of Mission construction of its kind. Grading of this feature and disturbance or relocation of portions of it would eliminate the opportunity to identify and interpret the feature. Such disturbance is also considered to represent a significant adverse impact.

Resource Avoidance Alternative A creates a single residential lot out of the originally-proposed residential lots 13 and 14. This larger lot 13 will contain a single residence and a deed restriction to avoid the brick and tile kiln feature at this location. The remaining lot is relocated elsewhere within the currently-proposed 12.41 acre development area. As such, the total number of proposed residential lots remains unchanged. In addition, the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural material, will also be preserved within a cultural resources avoidance zone.

Comparison of Effects: The topography of the project site will be altered in order to prepare the site for the uses proposed within Resource Avoidance Alternative A. This Alternative involves an amount of developed area similar to the proposed project. Both this alternative and the proposed project are located in an area that possesses a relatively uniform topography and sheet flow drainage pattern. As such, the extent of grading and the associated impacts on the site landform, geologic conditions and site drainage with this Alternative is expected to be similar to those impacts associated with the proposed project.

Resource Avoidance Alternative A generates a number of vehicle trips identical to the proposed project and will utilize the same access via 11th Street to Mission Street. Impacts to existing (near-term) and future (cumulative) traffic levels associated with the Resource Avoidance Alternative A will be identical to those associated with the proposed project. Impacts related to site access and parking will also be similar between this Alternative and the proposed project. Air quality and noise impacts based upon project-related vehicular use are also expected to be similar.

Development of Resource Avoidance Alternative A is expected to result in similar impacts to biological resources as compared to the proposed project due to the similar extent of project grading and the similar amount of developed area and number of residential lots.

Resource Avoidance Alternative A will provide the same proposed uses within the 12.41 acre development area which is identical in size to the proposed project. This Alternative conforms to the County General Plan and applicable County land use ordinances and polices in a manner similar to the proposed project.

Development of the Resource Avoidance Alternative A will result in the generation of visual impacts similar to those associated with the proposed project due to the similar extent of project grading and the similar amount of developed area and number of residential lots. Resource Avoidance Alternative A will result in similar light and glare levels as compared to those associated with the proposed project.

Due to the similar size and scale of the Resource Avoidance Alternative A as compared to the proposed project, similar impacts to existing public services and utilities will result.

Resource Avoidance Alternative A reduces impacts related to previously-conducted, unauthorized grading activities in a manner similar to the proposed project. This Alternative mitigates impacts related to project grading and construction as well as impacts associated with project occupation in a manner which exceeds that associated with the proposed project. This Alternative is intended to protect the brick and tile kiln feature on the slope below the Diocese property through a deed restriction on a single residential lot. This Alternative also protects the upper portion of the slope that runs along the western boundary of the project site which is known to contain a wide variety of cultural material within a cultural resources avoidance zone. This Alternative satisfies Mitigation Measure E-4 which requires protection of these cultural resources at a level which exceeds that associated with the proposed project. While the placement of a deed restriction provides a mechanism for legal protection, the resource area will still be within the yards of private dwellings. There remains a likelihood of impacts as a result of long term impacts from property owner activities such as landscaping and minor land alterations. While the Resource Avoidance Alternative A does not eliminate the significant unavoidable adverse impacts to cultural resources due to prior grading activities, it reduces impacts to remaining cultural resources found on-site.

Findings: After comparing the relative impacts and benefits of the proposed project and the Resource Avoidance Alternative A, the County of San Luis Obispo did not select this Alternative. However, subsequent to the identification of this alternative, the applicant revised the project to incorporate some of the components of Alternative A including placement of the kiln location and the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural material, within a cultural resources avoidance zone through an open space easement. In addition, Conditions of Approval, monitoring mitigation measures and features incorporated into the proposed project, as described in Sections 2 and 3 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Resource Avoidance Alternative A meets the following project objectives in a manner similar to the proposed project: 1) provide single family residential land uses; 2) provide a clustered project design; 3) provide required roadway improvements and safe access; 4) maintain consistency with County land use plans and 5) provide an adequate infrastructure system. However, the recently amended project design also accomplishes the goal of cultural resource avoidance in a manner similar to Resource Avoidance Alternative A. For this reason, Resource Avoidance Alternative A was rejected.

C. Resource Avoidance Alternative B

Description of Alternative: Resource Avoidance Alternative B was developed in an effort to avoid impacts to the slope which runs along the western boundary of the Mission Garden Estates site which is known to contain a wide variety of cultural material and at least one structural feature, a brick and tile kiln built on a stone foundation on the slope below the Diocese property which is considered to be one of the few surviving examples of Mission construction of its kind.

Resource Avoidance Alternative B relocates both proposed residential lots 13 and 14 elsewhere within the currently-proposed 12.41 acre development area. As such, the total number of proposed residential lots remains unchanged. An open space lot is provided at the location of the brick and tile kiln feature which is located on the slope below the Diocese property. In addition, the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural material, will also be preserved with a cultural resources avoidance zone. Resource Avoidance Alternative B provides more buffer area between project development and these resources than Resource Avoidance Alternative A.

Comparison of Effects: The topography of the project site will be altered in order to prepare the site for the uses proposed within Resource Avoidance Alternative B. This Alternative involves an amount of developed area similar to the proposed project. Both this alternative and the proposed project are located in an area that possesses a relatively uniform topography and sheet flow drainage pattern. As such, the extent of grading and the associated impacts on the site landform, geologic conditions and site drainage with this Alternative is expected to be similar to those impacts associated with the proposed project.

Resource Avoidance Alternative B generates a number of vehicle trips identical to the proposed project and will utilize the same access via 11th Street to Mission Street. Impacts to existing (near-term) and future (cumulative) traffic levels associated with the Resource Avoidance Alternative B will be identical to those associated with the proposed project. Impacts related to site access and parking will also be similar between this Alternative and the proposed project. Air quality and noise impacts based upon project-related vehicular use are also expected to be similar.

Development of Resource Avoidance Alternative B is expected to result in similar impacts to biological resources as compared to the proposed project due to the similar extent of project grading and the similar amount of developed area and number of residential lots.

Resource Avoidance Alternative B will provide the same types of proposed uses within the 12.41 acre development area which is identical in size to the proposed project. This Alternative conforms to the County General Plan and applicable County land use ordinances and policies in a manner similar to the proposed project.

Development of the Resource Avoidance Alternative B will result in the generation of visual impacts similar to those associated with the proposed project due to the similar extent of project grading and the similar amount of developed area and number of residential lots. Resource Avoidance Alternative B will result in similar light and glare levels as compared to those associated with the proposed project.

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Due to the similar size and scale of the Resource Avoidance Alternative B as compared to the proposed project, similar impacts to existing public services and utilities will result.

Resource Avoidance Alternative B reduces impacts related to previously-conducted, unauthorized grading activities in a manner similar to the proposed project. This Alternative mitigates impacts related to project grading and construction as well as impacts associated with project occupation in a manner which exceeds that associated with the proposed project. This Alternative is intended to protect the brick and tile kiln feature on the slope below the Diocese property through the provision of an open space lot at this location. This Alternative also protects the upper portion of the slope that runs along the western boundary of the project site which is known to contain a wide variety of cultural material within a cultural resources avoidance zone. This Alternative satisfies Mitigation Measure E-4 which requires protection of these cultural resources at a level which exceeds that associated with the proposed project. While the brick and tile kiln feature is protected with this Alternative, there is still potential for impacts to these resources due to project occupancy and inadvertent land alteration. While the Resource Avoidance Alternative B does not eliminate the significant unavoidable adverse impacts to cultural resources due to prior grading activities, it reduces impacts to remaining cultural resources found on-site.

Findings: After comparing the relative impacts and benefits of the proposed project and Resource Avoidance Alternative B, the County of San Luis Obispo did not select this Alternative. However, Conditions of Approval, monitored mitigation measures and features incorporated into the proposed project, as described in Sections 2 and 3 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Resource Avoidance Alternative B meets the following project objectives in a manner similar to the proposed project: 1) provide single family residential land uses; 2) provide a clustered project design; 3) provide required roadway improvements and safe access; 4) maintain consistency with County land use plans and 5) provide an adequate infrastructure system. However, the recently amended project design also accomplishes the goal of cultural resource avoidance in a manner similar to Resource Avoidance Alternative B. For this reason, Resource Avoidance Alternative B was rejected.

D. Resource Avoidance Alternative C

Description of Alternative: Resource Avoidance Alternative C was developed in an effort to avoid impacts to the slope which runs along the western boundary of the Mission Garden Estates site which is known to contain a wide variety of cultural material and at least one structural feature, a brick and tile kiln on a stone foundation on the slope below the Diocese property which is considered to be one of the few surviving examples of Mission construction of its kind.

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Resource Avoidance Alternative C provides a reconfigured roadway system within the area proposed for residential development. An on-site local roadway is located immediately adjacent to the slope that runs along the western site boundary. Seven residential lots are relocated elsewhere within the currently-proposed 12.41 acre development area. Six residential lots are lost within this roadway reconfiguration. As such, this Alternative contains 54 residential lots, a reduction of six lots from the originally proposed total of 60 units. This Alternative utilizes a roadway to provide buffer area for the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural materials and the brick and tile kiln feature, both which will be preserved with this Alternative. This Alternative provides the greatest amount of buffer area between project development and these resources as compared to Resource Avoidance Alternatives A and B.

Comparison of Effects: The topography of the project site will be altered in order to prepare the site for the uses proposed within Resource Avoidance Alternative C. This Alternative involves an amount of developed area similar to the proposed project. Both this Alternative and the proposed project are located in an area that possesses a relatively uniform topography and sheet flow drainage pattern. As such, the extent of grading and the associated impacts on the site landform, geologic conditions and site drainage with this Alternative is expected to be similar to those impacts associated with the proposed project.

Resource Avoidance Alternative C generates approximately 10% fewer a number vehicle trips as compared to the proposed project but will utilize the same access via 11th Street to Mission Street. Impacts to existing (near-term) and future (cumulative) traffic levels associated with the Resource Avoidance Alternative C will be incrementally reduced by 10% as compared to those associated with the proposed project. Impacts related to site access and parking will be similar between this Alternative and the proposed project. Air quality and noise impacts based upon project-related vehicular use are also expected to be reduced by approximately 10% as compared to the proposed project.

Development of Resource Avoidance Alternative C is expected to result in similar impacts to biological resources as compared to the proposed project due to the similar extent of project grading and the similar amount of developed area.

Resource Avoidance Alternative C will provide the same type of proposed uses within the 12.41 acre development area as the proposed project. However, this Alternative contains six fewer residential lots which resolves potential impacts related to the proposed project's conformity with the 60 dwelling unit density limitation placed on the site by the County Land Use Ordinance. As noted in Section V.O. Land Use and Planning, the existing on-site residence may be removed or a single lot eliminated from the currently proposed 60-lot subdivision in order to not exceed this limitation. This potential conflict is eliminated with this Alternative.

Development of the Resource Avoidance Alternative C will result in reduced generation of visual impacts as compared to those associated with the proposed project due to the reduced number of residential lots. Resource Avoidance Alternative C will result in incrementally reduced light and glare levels as compared to those associated with the proposed project.

Due to the reduced number of residential lots within Resource Avoidance Alternative C as compared to the proposed project, incrementally reduced impacts to existing public services and utilities will result.

Resource Avoidance Alternative C reduces impacts related to previously-conducted, unauthorized grading activities in a manner similar to the proposed project. This Alternative mitigates impacts related to project grading and construction as well as impacts associated with project occupation in a manner which exceeds that associated with the proposed project. This Alternative provides a roadway buffer to insure preservation of the brick and tile kiln feature on the slope below the Diocese property as well as the upper portion of the slope that runs along the western boundary of the project site which is known to contain a wide variety of cultural material which will be within a cultural resources avoidance zone. Resource Avoidance Alternative C provides more buffer area than Resource Avoidance Alternatives A and B. This Alternative eliminates the potential for inadvertent impacts to these resources due to project occupancy. This Alternative satisfies Mitigation Measure E-4 which requires protection of these cultural resources at a level which exceeds that associated with the proposed project. While the Resource Avoidance Alternative C does not eliminate the significant unavoidable adverse impacts to cultural resources due to prior grading activities, it reduces impacts to remaining cultural resources found on-site.

Findings: After comparing the relative impacts and benefits of the proposed project and Resource Avoidance Alternative C, the County of San Luis Obispo did not select this Alternative. However, subsequent to the identification of this alternative, the applicant revised the project to incorporate some of the components of Alternative C including placement of the kiln location and the upper portion of the slope that runs along the western boundary of the Mission Gardens Estates site, which is known to contain a wide variety of cultural material, within a single parcel and protecting it through a cultural resources avoidance zone through an open space easement. In addition, Conditions of Approval, monitoring mitigation measures and features incorporated into the proposed project, as described in Sections 2 and 3 of these Findings, will substantially reduce the environmental effects of the proposed project.

Facts: The Resource Avoidance Alternative C meets the following project objectives in a manner similar to the proposed project: 1) provide a clustered project design; 2) provide required roadway improvements and safe access; 3) maintain consistency with County land use plans and 4) provide an adequate infrastructure system. This Alternative meets the following objective at a level which is less than that provided by the proposed project: 1) provide single family residential land uses. However, the recently amended project design also accomplishes the goal of cultural resource avoidance in a manner similar to Resource Avoidance Alternative C. For this reason, Resource Avoidance Alternative C was rejected.

E. Alternate Land Uses

Description of Alternative: Alternate Land Uses considered in the Final EIR include: 1) commercial land uses; 2) industrial land uses or 3) institutional land uses such as a school, library, museum or church.

Comparison of Effects: The topography of the project site will be altered to prepare the site for the Alternate Land Uses noted above. The amount of developed area and extent of grading will vary significantly among the range of alternate land uses depending upon the nature of the land uses proposed. The impacts on the site landform, geologic conditions and site drainage is likely to be similar to the proposed project in the case of the institutional land uses noted above or greater than those associated with the proposed project in the case of commercial or industrial land uses.

The number of automobile trips generated by the Alternate Land Uses noted above will vary significantly. Traffic impacts as well as associated noise and air quality impacts would likely be less than the proposed project for the institutional land uses noted above. Commercial or industrial land uses would likely have higher traffic volumes on weekdays with lower traffic volumes on weekends as compared to the proposed project. Traffic impacts as well as noise and air quality impacts would differ from the proposed project in a similar manner.

Development of the Alternate Land Uses noted above will likely result in similar impacts to biological resources as compared to the proposed project.

The Alternate Land Uses noted above vary significantly in character and function as compared to the proposed project. None of the alternative land uses noted above conform to the County General Plan which designates the Mission Gardens Estates site for future development with sixty residential lots. Development of any of the alternate land uses would, therefore, require a General Plan Amendment.

Development of the Alternate Land Uses noted above will result in visual impacts and light and glare impacts that will vary significantly depending upon the nature and extent of the uses proposed. The institutional land uses noted above would likely have similar visual impacts as compared to the proposed project. Commercial and industrial land uses would likely have increased visual impacts as compared to the proposed project.

Development of the Alternate Land Uses noted above will result in impacts to public services and utilities that will vary significantly depending upon the nature and extent of the uses proposed. The institutional land uses noted above would likely have similar or reduced public services and utilities impacts as compared to the proposed project. Commercial and industrial land uses would have increased public services and utilities demands as compared to the proposed project.

Development of the Alternate Land Uses noted above will result in impacts to cultural resources that will vary significantly depending upon the nature of the land uses proposed and its detailed design. Land uses that provide an adequate buffer to areas containing known cultural resources, those being the Diocese property and the upper portion of the slope that runs along the western boundary of the project site will reduce potential impacts to these resources. While these Alternative Land Uses do not eliminate the significant unavoidable adverse impacts to cultural resources due to prior grading activities, they may reduce impacts to remaining cultural resources found on-site.

Findings: Conditions of Approval and monitored mitigation measures, as described in Sections 2 and 3 of these Findings, will reduce the environmental effects of the proposed project.

Facts: The Alternate Land Uses noted above will fail to meet the following project objectives; 1) provide single family residential land uses; and 2) maintain consistently with County land use plans. These Alternate Land Uses can meet the following project objectives in a manner less than or similar to the proposed project depending upon the project design: 1) provide a clustered project design; 2) provide required roadway improvements and safe access and 3) provide an adequate infrastructure system. The Alternate Land Uses will result in significant cultural resources impacts similar to the proposed project. For these reasons, the Alternative Land Uses were rejected

F. Alternative Project Sites

Based upon a review of other cumulative projects in the San Miguel area, four other residential projects totaling approximately 60 dwelling units or residential lots and two apartment buildings are currently proposed within the San Miguel area of unincorporated San Luis Obispo County. In addition, a total of six residential projects totaling no less than 120 residential dwelling units were recently approved in the area.

Facts: Several locations throughout the San Miguel area were evaluated in the Final EIR for their feasibility as alternate project sites. The analysis of these alternative locations was constrained due to the lack of parcels within San Miguel of similar size which were not already developed or under the ownership of institutions unwilling to develop their properties. For this reason, the alternative project sites were rejected.

SECTION 7**FINDINGS REGARDING MITIGATION MONITORING PROGRAM**

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a) (1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the proposed project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment.

The County of San Luis Obispo hereby finds and accepts that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potential environmental impacts.

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SECTION 8

SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the County of San Luis Obispo has made one of more of the following findings with respect to the significant effects of the proposed project:

- a. Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effects as identified in the Final Environmental Impact Report.
- b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
- c. Specific economic, social, legal, technical or other considerations make the mitigation measures or alternatives identified in the Final Environmental Impact Report infeasible.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing findings:

- a. All significant effects on the environment due to the proposed project have been eliminated or substantially lessened where feasible as discussed in Sections 2 and 3 of these Findings.
- b. The benefits of the proposed project set forth in the foregoing Statement of Overriding Considerations, as noted in Section 1 of these Findings, outweigh any remaining significant effects of the project on the environment found to be unavoidable.

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MITIGATION MONITORING PROGRAM

Provided on the following pages is a summary listing of the proposed mitigation measures associated with the proposed Mission Gardens Estates project. Following each mitigation measure is an indication of the action involved with enforcement or implementation of the mitigation measure (i.e. "Specific Action"), the timing of implementation (i.e. "Mitigation Milestone") and the Responsible Monitoring Party. This Mitigation Monitoring Program is intended to reflect CEQA requirements which requires a monitoring program to insure the implementation of these mitigation measures.

MITIGATION MEASURE SUMMARY	SPECIFIC ACTION	MITIGATION MILESTONE	RESPONSIBLE MONITORING PARTY
A. AESTHETICS			
A-1 At the time of application for tract improvements, the applicant shall submit landscape, landscape lighting, landscape irrigation and landscape maintenance plans and specifications for all common areas within the project to the Department of Building and Planning for review and approval. Proposed landscaping shall be selected and installed with the intent of obscuring building forms and masses within five years.	Submit landscape, landscape lighting, landscape irrigation and landscape maintenance plans to County.	At the time of application for subdivision improvement plans or grading permits.	San Luis Obispo County, Department of Planning and Building.
A-2 At the time of application for building permits, the applicant shall submit a signage plan to the Department of Planning and Building for review and approval. The plan shall be consistent with Land Use Ordinance Section 22.01.300 et.seq. which requires all street frontage signs and monument style signs not to exceed four feet in height.	Submit signage plan to County.	At the time of application for subdivision improvement plans or grading permits.	San Luis Obispo County, Department of Planning and Building.
A-3 At the time of application for building permits, the applicant shall submit a color board to the County Department of Planning Building for review and approval. The color board shall include manufacturer's specifications for color samples of building materials and roofs. The colors selected shall be muted, darker tones and shall be selected to match color tones seen in surrounding areas. Red tile roofs shall be avoided. The specular gloss rating of the roof material shall be 10 percent to 15 percent at an angle 60 degrees.	Submit color board for building materials and roofs to County.	At the time of application for construction permits.	San Luis Obispo County, Department of Planning and Building.
A-4 At the time of application for tract improvements, the applicant shall provide a street lighting plan. The plan shall include the height, location and intensity of all street	Submit street lighting plan to County.	At the time of application for subdivision improvement	San Luis Obispo County, Department of Planning and Building.

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<p>lighting. All light fixtures shall be shielded so that neither the lamp nor the reflective interior surface is visible from adjacent areas. All light poles, fixtures and hoods shall be dark (non-reflective) colored. Street lighting shall be shielded so as not to create glare when viewed from the off-site areas with lighting heights no more than is absolutely necessary. The light poles and fixtures shall not be visible to travelers along Mission Street.</p>		<p>plans or grading permits.</p>	
<p>A-5 Utilities shall be placed underground in order to minimize their visibility from public view corridors.</p>	<p>Place all utilities underground.</p>	<p>At the time of application for subdivision improvement plans or grading permits.</p>	<p>San Luis Obispo County, Department of Planning and Building.</p>

B. AGRICULTURAL RESOURCES

<p>B-1 The project applicant shall provide future home purchasers with a disclosure indicating the nature and extent of agricultural activities occurring in adjacent areas and their potential impacts. These activities may result in the generation of noise, dust, glare and/or odors throughout the day, including during early morning hours and at night. This disclosure will also include information regarding the County's Right to Farm Ordinance.</p>	<p>Provision of disclosure to home purchasers regarding adjacent agricultural activities.</p>	<p>Prior to recordation of the final map.</p>	<p>San Luis Obispo County, Department of Planning and Building.</p>
<p>B-2 Prior to the issuance of building permits, detailed plans shall be submitted to the County of San Luis Obispo delineating the location and type of fencing or other solid, uninterrupted barrier along the southern boundary of the developed portion of the site in order to prevent direct access from the site to agricultural uses to the south.</p>	<p>Submittal of plans for fencing along southern project boundary.</p>	<p>At the time of application for subdivision improvement plans or grading permits.</p>	<p>San Luis Obispo County, Department of Planning and Building.</p>

C. AIR QUALITY

<p>• Construction Emissions</p> <p>C-1 Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed water shall be used for dust control and other construction-related purposes during project construction.</p> <p>C-2 All dirt stock-pile areas shall be sprayed</p>			
<p>Use water trucks or sprinkler systems for dust control.</p>	<p>During project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.</p>	
	<p>During project</p>	<p>San Luis Obispo</p>	

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	daily as needed.	Spray dirt stockpile areas.	grading and construction.	County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-3	Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.	Implement permanent dust control measures.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-4	Exposed ground areas that are planned to be reworked at dates greater than one month shall be sown with a fast-germinating native grass seed and watered until vegetation is established.	Plant native grass seed on exposed surfaces.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-5	All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting or other methods approved in advance by the APCD.	Stabilize disturbed soils.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-6	All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	Pave roadways, driveways, sidewalks and create building pads as soon as possible	During project grading and construction and prior to final inspection.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-7	Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.	Restrict construction vehicle speeds.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.

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C-8	All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least two feet of freeboard.	Cover all hauling trucks and maintain adequate freeboard.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-9	Where vehicles enter and exit unpaved roads onto streets, wheel washers or gravel pads shall be installed or trucks and equipment will be washed when leaving the site.	Install wheel washers or wash construction trucks and equipment.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-10	Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where possible.	Sweep streets containing soil material.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-11	All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.	Water graded or excavated areas.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-12	Prior to any project grading, a geologic analysis will be performed in order to determine if asbestos-bearing serpentine rock is present. If naturally occurring asbestos is found at the project site, an Asbestos Health and Safety Program and an Asbestos Dust Control Plan will be submitted to the Air Pollution Control District for review and approval prior to project grading.	Perform geologic analysis and, if necessary, prepare an Asbestos Health and Safety Program and Asbestos Dust Control Plan.	Prior to commencement of subdivision improvements or site grading.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-13	All PM10 mitigation measures required must be included on grading and building plans at the time of application for tract improvements. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to	Include PM10 mitigation measures on all plans and designation of a monitor.	Prior to and during project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San

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	prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.			Luis Obispo County, Air Pollution Control District.
C-14	A comprehensive Construction Activity Management Plan shall be developed to minimize the amount of large construction equipment operating during any given time period.	Prepare Construction Activity Management Plan.	Prior to and during project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-15	To minimize traffic related impacts from construction, construction personnel shall be encouraged to rideshare or use mass transit.	Encourage construction personnel to use mass transit.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-16	The project applicant shall require that all construction equipment be properly maintained and tuned according to manufacturer's specifications.	Maintain and tune all construction equipment per manufacturer's specifications.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-17	The project applicant shall require that all off-road and portable, diesel-powered equipment, including, but not limited to, bulldozers, grading, cranes, loaders, scrapers, backhoes, generator sets, compressors or auxiliary power units, be fueled exclusively with CARB motor vehicles diesel fuel.	Use CARB diesel fuel.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.
C-18	Where, possible, diesel powered equipment should be replaced with gasoline, electrical, CNG or LPG powered equipment.	Replace diesel powered equipment.	Prior to and during project grading and construction.	San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.

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<p>C-19 The use of diesel equipment meeting the California Air Resource Board's 1996 certification for off-road heavy-duty diesel engines shall be maximized.</p> <p>C-19A <i>All on and off-road diesel equipment shall not be allowed to idle for more than five minutes. Signs shall be posted in the designated queuing areas to remind drivers of the five minute idling limit.</i></p> <p>● Regional Air Quality</p>	<p>Use diesel equipment meeting CARB certification</p>	<p>Prior to and during project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.</p>
<p>C-20 Outdoor electrical outlets shall be provided to encourage the use of electric appliances and tools.</p>	<p>Provide outdoor electrical outlets.</p>	<p>At the time of application for construction permits.</p>	<p>San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.</p>
<p>C-21 Energy conserving street lighting shall be utilized.</p>	<p>Provide energy conserving lighting.</p>	<p>At the time of application for subdivision improvement plans or grading permits.</p>	<p>San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.</p>
<p>C-22 <i>Building design shall include as many energy-conserving features as possible including, but not limited to, increasing wall and roof insulation to 10% above Title 24 requirements.</i></p>	<p>Building design to maximize passive solar heating and cooling.</p>	<p>At the time of application for construction permits.</p>	<p>San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.</p>
<p>C-23 Low nitrogen oxide emitting water heaters and built-in efficient appliances shall be provided.</p>	<p>Provide low nitrogen oxide emitting and high efficiency or solar water heaters.</p>	<p>At the time of application for construction permits.</p>	<p>San Luis Obispo County, Department of Planning and Building, Department of Public Works and the San Luis Obispo County, Air Pollution Control District.</p>

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C-24	Double-paned thermally-efficient windows shall be used on all structures.	Use double-paned thermally efficient windows.	At the time of application for construction permits.	District. San Luis Obispo County, Department of Planning and Building.
C-25	Energy efficient interior lighting shall be used in all structures.	Use energy efficient lighting.	At the time of application for construction permits.	San Luis Obispo County, Department of Planning and Building.
C-26	Shade trees shall be provided along southern exposures of buildings to reduce summer cooling needs.	Provide shade trees.	At the time of application for construction permits.	San Luis Obispo County, Department of Planning and Building.
C-27	Roof materials with a solar reflectance value meeting the EPA/DOE Energy Star rating shall be used to reduce summer cooling needs. These roof materials are required to be of muted darker tones (see Section V.A. Aesthetics).	Provide solar efficient roof materials.	At the time of application for construction permits.	San Luis Obispo County, Department of Planning and Building.
C-28	<i>The project applicant shall contact the Southern Pacific Railroad to inform them of the pending residential development and to request that train engines not be allowed to idle in the vicinity of the proposed project.</i>			
C-29	<i>Only APCD approved wood burning devices shall be installed in new dwelling units. The project applicant shall provide new home buyers with information identifying approved wood-burning devices.</i>			

D. BIOLOGICAL RESOURCES

D-1	Fencing or other uninterrupted barrier shall be provided along the eastern and southern boundaries of the developed portion of the project site in order to inhibit access to sensitive habitats within the Salinas River corridor.	Provision of fencing or barriers.	Prior to final inspection of subdivision improvements or grading permits.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
D-2	Areas temporarily disturbed by project grading shall be immediately seeded with an erosion control vegetative mix suitable for the project area and site conditions.	Reseed temporarily disturbed areas.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
D-3	Measures such as silt fencing, sediment traps, soil stabilizers, use of water trucks, etc. to contain sediment on site and eliminate sediment deposition in any of the drainage on-site or off-site shall be utilized during	Provide erosion control devices.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building and Department of Public

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	project construction.			Works.
D-4	A Sediment and Erosion Control Plan to protect the wetland resources downstream of construction activities shall be submitted to the County for review and approval. Erosion control measures shall prevent sediment-laden runoff from entering the on-site or downstream wetland areas. A Stormwater Pollution and Prevention Plan shall be prepared to prevent erosion and sedimentation during construction activities. The plan shall address the locations and types of erosion and sediment control structures and materials to be used on-site during construction activities. The plan shall also address containment of pollutants generated by the construction equipment.	Submittal of Sediment and Erosion Control Plan.	Prior to approval of subdivision improvement plans or grading permits.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
D-5	Fossil filters or similar devices shall be installed in all drop outlets and/or catch basins to trap oil and other pollutants from entering downstream wetland habitats. Such devices shall be maintained on a regular basis and cleaned and/or replaced prior to each rainy season or pursuant to the manufacturer's guidance.	Install fossil filters or similar devices.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
D-6	A final project landscape plan is to be submitted to the County for review and approval which will include native and, if necessary, drought tolerant non-native, non-invasive plant species.	Submittal of final project landscape plans to County.	Review and approval of final project plans.	San Luis Obispo County, Department of Planning and Building.
D-7	At the time of application for tract improvements, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented: a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 39 acres (13 acres of lost habitat to be replaced on a 3:1 basis) of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the	Implementation of San Joaquin Kit Fox mitigation measures.	Prior to tract map recordation.	San Luis Obispo County, Department of Planning and Building.

<p>the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). This fee, payable to The Nature Conservancy, would total \$97,500.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.</p> <p>c. Purchase 39 acres of credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.</p> <p>At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.</p> <p>d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 39 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.</p>			
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<p>d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 39 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.</p>			
<p>D-8 At the time of application for tract improvements, the applicant shall retain a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:</p> <p>a. At the time of application for tract improvements and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.</p> <p>b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures D-9 through D-17. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see item c. 3 below). When weekly monitoring is required, the biologist shall submit weekly monitoring</p>	<p>Retention of qualified biologist.</p>	<p>During project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building.</p>

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<p>reports to the County.</p> <p>c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. Before commencing with project activities, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the California Department of Fish and Game for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.</p> <p>If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.</p> <p>In addition, the qualified biologist shall implement the following measures:</p> <p>1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:</p> <p>a) Potential kit fox den: 50 feet b) Known or active kit fox den: 100 feet c) Kit fox pupping den: 150 feet</p> <p>2. All foot and vehicle traffic, as well as all construction activities, including</p>			
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<p>storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.</p>			
<p>3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.</p>			
<p>D-9 At the time of application for tract improvements, the applicant shall clearly delineate as a note on the project plans, that speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox. In addition, prior to permit issuance and initiation of any ground disturbing activities, Mitigation Measures D-9 through D-17 shall be clearly delineated on project plans.</p>	<p>Posting speed limit signs for construction traffic.</p>	<p>Prior to tract map recordation and during project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>
<p>D-10 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.</p>	<p>Prohibition of grading and construction after dusk.</p>	<p>During project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>
<p>D-11 Prior to issuance of grading and/or construction permits, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.</p>	<p>Provision of worker education training program.</p>	<p>Prior to the issuance of grading and/or construction permits.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>
<p>D-12 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the</p>	<p>Covering of all excavation, holes and trenches at the close of each work day.</p>	<p>During project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>

<p>close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.</p>			
<p>D-13 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.</p>	<p>Inspection of pipes, culverts and similar structures.</p>	<p>During project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>
<p>D-14 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.</p>	<p>Disposal of all food-related trash items and no deliberate feeding of wildlife.</p>	<p>During project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>
<p>D-15 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.</p>	<p>Use of pesticides in compliance with all local, state and federal regulations.</p>	<p>During project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>
<p>D-16 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such</p>	<p>Reporting of any killing of or injury to San Joaquin Kit Fox.</p>	<p>During project grading and construction.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>

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<p>animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.</p> <p>D-17 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:</p> <p>a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";</p> <p>b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.</p>	<p>Provide proper design for internal or perimeter fencing.</p>	<p>Prior to final inspection or project occupancy.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>
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E. CULTURAL RESOURCES

<p>• <i>Impacts Related to Unauthorized Grading</i></p>			
<p>E-1 Prior to the issuance of any construction permits, a subsurface investigation shall be performed by a qualified archaeologist on the "remainder" lots north and south of the Diocese property in order to confirm the presence and evaluate any potentially significant cultural resources associated with the neophyte quadrangle.</p>	<p>Perform subsurface investigations.</p>	<p>Prior to commencement of subdivision improvements or site grading.</p>	<p>San Luis Obispo County, Department of Planning and Building.</p>
<p>E-2 Permission shall be sought from the Diocese of Monterey to permit stabilization and other protective measures to the east side of the neophyte quadrangle in order to conserve the last remaining above ground remnant of the north wall of this facility. If such permission is secured, the nature and extent of these stabilization and protective measures shall be identified by a qualified archaeologist approved by the County with demonstrated expertise in Mission era structures and</p>	<p>Seek permission to stabilize and protect off-site cultural resources.</p>	<p>Prior to commencement of subdivision improvements or site grading.</p>	<p>San Luis Obispo County, Department of Planning and Building.</p>

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	completed prior to the issuance of construction permits.			
E-3	<p>Monies equal to the cost of archaeologically excavating 31 neophyte rooms and 1,092 square meters on the Diocese property shall be paid by the project applicant with credit for funds utilized for prior testing. The amount of these funds shall be determined by the County of San Luis Obispo in consultation with the State of California, Office of Historic Preservation and shall be held in trust by the California Mission Studies Association, California Missions Foundation or a comparable non-profit organization to be used for historical and archaeological studies of San Miguel Mission. Ideally, these studies would focus on Native American culture at the Mission.</p> <p>• Impacts Related to Project Grading and Construction</p>	Contribution of funds for historical and archaeological studies.	Prior to tract map recordation.	San Luis Obispo County, Department of Planning and Building.
E-4	The brick and tile kiln located on the slope on the Mission Gardens Estates site shall be preserved in place with adequate barriers to protect the resource from erosion and public access. Enough buffer space should be provided to insure preservation of the surrounding area. This protection will require either a project re-design or adoption of a project alternative as discussed in Section VII., Alternatives to the Proposed Project.	Preserve brick and tile kiln feature.	Prior to commencement of subdivision improvements or site grading.	San Luis Obispo County, Department of Planning and Building.
E-5	Prior to authorization of any future grading, the applicant shall submit a monitoring plan, prepared by a qualified archeologist for review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:	Submittal of cultural resources monitoring plan to County.	Prior to commencement of subdivision improvements or site grading or prior to issuance of construction permits.	San Luis Obispo County, Department of Planning and Building.
a.	List of personnel involved in the monitoring activities, including a Native American representative;			
b.	Description of how the monitoring shall occur;			
c.	Description of frequency of monitoring (e.g. full-time, part-time, spot checking);			
d.	Description of what resources are expected to be encountered;			
e.	Description of circumstances that would result in the halting of work at the project site (e.g. What are considered "significant" archaeological resources);			
f.	Description of procedures for halting work on the site and notification procedures and			
g.	Description of monitoring reporting			

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procedures.				
E-6	During all ground disturbing construction activities, the applicant shall retain a qualified archeologist and Native American representative to monitor all earth disturbing activities pursuant to the approved monitoring plan. If any significant archeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity of the resource (precise area to be determined by the archeologist in the field) until such time as the resource can be evaluated by the archeologist. Human remains will be addressed according to State law. The applicant shall implement all mitigations as required by the Environmental Coordinator.	Retention of qualified archaeologist and Native American representative.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
E-7	Upon completion of all monitoring/mitigation activities and prior to occupancy or final inspection (whichever occurs first), the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities; describing all features, deposits or cultural materials encountered; indicating provision for curation and confirming that all recommended mitigation measures have been met.	Submittal of report summarizing monitoring activities to County.	Prior to recordation of the final map, project occupancy or final inspection, whichever occurs first.	San Luis Obispo County, Department of Planning and Building.
E-8	At the time of approval of tract improvement plans, the applicant shall submit to the Environmental Coordinator for the review and approval, a detailed research design for an archaeological investigation of the brick and tile kiln. The research design shall be prepared by a qualified subsurface archaeologist with expertise in Mission era resources, approved by the Environmental Coordinator. Upon the completion of the additional research, the applicant shall fund the construction and placement of a model of the neophyte quarters and kiln for interpretation purposes. Construction and placement of the model shall occur only if there is prior agreement by an appropriate institution to accept the model for interpretation purposes. Acceptable institutions include: Mission San Miguel, County of San Luis Obispo (Rios-Caledonia Adobe), County Historical Society, School District or a local San Miguel historical group with exhibit area.	Provision of funds to prepare model of brick and tile kiln feature.	Prior to commencement of subdivision improvements or site grading.	San Luis Obispo County, Department of Planning and Building.
• Indirect Impacts After Project Occupation				
E-9	Prior to the issuance of grading permits,	Erect or maintain	Prior to	San Luis Obispo

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	barriers shall be erected or maintained to prevent unauthorized access to the Diocese properties and the remainder lots north, south and southeast of the Diocese property.	barriers to prevent access to adjacent property.	recording of the final map.	County, Department of Planning and Building.
E-10	Construction shall be prohibited on the slopes which form the western project boundary.	Prohibition of construction on slopes along western project boundary.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
E-11	Cultural resources unearthed and still in place within and adjacent to the Mission Gardens Estates site shall be nominated for inclusion in the California Register of Historical Resources.	Nomination of resources for inclusion in California Register of Historic Resources.	Prior to recording of the final map.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
E-12	Prior to the issuance of building permits, the project applicant shall prepare informational material appropriate for distribution at the Mission and elsewhere which presents photographs showing the Mission at different stages of its construction and alterations.	Preparation of information showing Mission history.	Prior to recording of the final map.	San Luis Obispo County, Department of Planning and Building.

F. GEOLOGY AND SOILS

F-1	Site structures shall be designed in accordance with applicable Uniform Building Code requirements.	Conform to Uniform Building Code.	Review and approval of final project plans.	San Luis Obispo County, Department of Planning and Building.
F-2	At the time of application for tract improvements, a detailed geotechnical (soils engineering) investigation shall be performed in conjunction with the preparation of detailed project design plans. This investigation shall include recommendations for site preparation, grading and soil compaction as well as for other geotechnical aspects of the project including, but not limited to, liquefaction, seismically-induced or differential settlement, subsidence and expansive soils. This investigation shall provide feasible engineering or design solutions to these or any other potential geologic constraints. These measures will conform to requirements of the Uniform Building Code, the California Code of Regulations and applicable County ordinances.	Conduct detailed geotechnical investigations.	Prior to approval of subdivision improvement plans or grading permits	San Luis Obispo County, Department of Planning and Building.
F-3	Detailed project plans shall be reviewed and	Review of plans	Prior to	San Luis Obispo

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	approved by the County of San Luis Obispo in order to insure that adequate building elevations (i.e. one foot above the 100-year floodplain elevation) are provided to insure that all proposed structures will be in compliance with the National Flood Insurance Program.	to insure adequate building elevations.	approval of subdivision improvement plans or grading permits	County, Department of Planning and Building.
F-4	Surface drainage gradients on-site shall be planned to prevent ponding and promote drainage of surface water away from building foundations, edges of pavements and sidewalks. During grading, if the presence of free water is noted, sub-drains shall be placed in areas of potential standing water. The location of sub-drains shall be determined during grading by a qualified engineer. The sub-drain outlets shall extend into a suitable protected area or existing drainage facilities.	Designing drainage to prevent ponding and standing water.	Review and approval of final project plans.	San Luis Obispo County, Department of Planning and Building.
F-5	At the time of application for tract improvements, a Sedimentation and Erosion Control Plan shall be submitted to the County Department of Public Works for review and approval. The plan shall indicate methods to control erosion which may include, but are not limited to, erosion fencing, hay bales, temporary siltation basins, erosion control blankets, etc. This plan, to be prepared by a registered civil engineer, shall conform to Section 22.52.090 of the County Land Use Ordinance.	Submittal of Sedimentation and Erosion Control Plan to County.	Review and approval of final project plans.	San Luis Obispo County, Department of Planning and Building.
F-6	Any required replacement vegetation/landscaping shall be planted well in advance of October 15 in order to provide sufficient time prior to the rainy season for roots to establish and effectively hold soil together.	Planting of replacement vegetation prior to October 15 th .	During project grading and construction.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
F-7	Prior to the initiation of on-site grading operations, application for a construction Storm Water Discharge General Permit shall be submitted to the Regional Water Quality Control Board. This permit request shall be accompanied by a Storm Water Pollution Prevention Plan or its equivalent as required by the National Pollution Discharge Elimination Permit. This Plan shall include, but not be limited to, construction site erosion control practices and drainage facilities which comply with all drainage protection measures and procedures of the County of San Luis Obispo and the Regional Water Quality Control Board.	Apply for required permits from Regional Water Quality Control Board.	Prior to approval of subdivision improvement plans or grading permits	San Luis Obispo County, Department of Planning and Building.
F-8	Project grading shall take place, if possible,	Conduct project	During project	San Luis Obispo

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during the dry seasons of the year which is defined as between April 15 th and October 15 th per Section 22.02.036 of the County Land Use Ordinance.	grading during dry season.	grading and construction.	County, Department of Planning and Building and Department of Public Works.
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G. HAZARDS/ HAZARDOUS MATERIALS

G-1 During project grading inspections, any undocumented wells will be capped and the removal of any existing, undocumented fills shall be monitored by a qualified soils geologist. In the event that any toxic or hazardous materials are discovered, qualified authorities shall be contacted immediately. Any required remediations, soils removal or other required actions shall occur prior to completion of project grading in accordance with applicable local, State or Federal regulations.	Capping of undocumented wells and removal of undocumented fill.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
G-2 Prior to the issuance of building permits, detailed plans shall be submitted to the County of San Luis Obispo delineating the location and type of fencing or other solid, uninterrupted barrier in order to prevent direct access from the site to and across the Southern Pacific Railroad tracks in the vicinity of the project site.	Submittal of plans delineating fencing.	Prior to recordation of the final map.	San Luis Obispo County, Department of Planning and Building.

H. NOISE

H-1 Construction activities shall comply with the County of San Luis Obispo Noise Ordinance Section 22.06.042(d) which limits noise-generating construction activities to the hours between 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays.	Limit project construction hours.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
H-2 Prior to issuance of permits for tract improvements and building permits, the applicant shall provide proof that all construction equipment utilizing combustion engines have mufflers that are in good condition. Where feasible, stationary noise sources shall be located at least 300 feet from occupied dwellings unless noise-reducing engine housing enclosures or other noise screens are provided by the contractor.	Limit noise from construction equipment.	Prior to the issuance of building permits and during project grading and construction.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
H-3 All proposed structures shall be designed to insure the 45 dBA Leq interior noise standard is met. Measures to achieve this standard may include, but are not limited to, the use of mechanical ventilation provided per the Uniform Building Code. Windows and sliding glass door frames shall be mounted in	Provide sound attenuation from exterior noise sources.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building.

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low air infiltration rate frames (0.5 cfm or less per ANSI specifications) or exterior doors shall be solid core with perimeter weather-stripping and threshold seals.			
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I. POPULATION AND HOUSING

No mitigation measures are proposed.	_____	_____	_____
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J. PUBLIC SERVICES/UTILITIES

■ Police Protection			
JP-1. Prior to the issuance of building permits, the San Luis Obispo County Sheriff's Department shall review final development plans and architectural elevations in relation to the following issues: access for patrol vehicles and deputies on-foot, proper illumination of roadways and the elimination of "dark areas" where crime could occur.	Review of final development plans and architectural elevations by the County Sheriff's Department.	Prior to approval of subdivision improvement plans or grading permits	San Luis Obispo County, Department of Planning and Building and the San Luis Obispo County Sheriff's Department.
■ Fire Protection			
JF-1 <i>All water mains and fire hydrants shall provide required fire flows and shall be constructed in accordance with the specifications of the San Miguel Community Services District or other applicable standards.</i>	Provide water and fire hydrants with required fire flows.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building, the CDF/San Luis Obispo County Fire Department and the San Miguel Community Services District.
JF-2 <i>All project plans shall be reviewed by the San Miguel Community Services District in order to insure that building materials, alarm systems, emergency vehicle access (turning radii, roadway grades), water storage, hydrant location(s) and brush clearance provide adequate fire protection for the proposed project.</i>	Review of project plans by the CDF/County Fire Department and the San Miguel Community Services District.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building, the CDF/San Luis Obispo County Fire Department and the San Miguel Community Services District.
JF-3 <i>All buildings shall be constructed with spark arresters on all chimneys and fire retardant roofing material as described in Section 3202 of the Uniform Building Code. Any wood shingles or shakes shall have a Class "A" or "B" rating and shall be approved by the San Miguel Community Services District prior to installation.</i>	Provision of spark arresters on chimneys and fire retardant roofing material.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building, the CDF/San Luis Obispo County Fire Department and the San Miguel Community Services District.
JF-4 <i>Prior to the issuance of building permits,</i>	Review of plans	Prior to the	San Luis Obispo

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<p><i>plans for the proposed primary access to 11th Street to the north and the secondary, emergency-only access route at the southern site boundary shall be submitted to and reviewed by the San Miguel Community Services District and the County Department of Public Works in order to insure adequate emergency access. The emergency access shall be improved to an all-weather surface. "No Parking" signs shall be posted along the secondary, emergency access road. The applicant will be required to provide all recommended upgrades to the design of these roadways.</i></p>	<p>for primary and secondary access routes by San Miguel Community Services District and CDF/County Fire Department.</p>	<p>issuance of building permits and prior to final inspection.</p>	<p>County, Department of Planning and Building, the CDF/San Luis Obispo County Fire Department and the San Miguel Community Services District.</p>
<p>JF-5 Prior to the issuance of building permits, a Fuel Reduction Plan shall be submitted to the County of San Luis Obispo. This Fuel Reduction Plan will provide for an acceptable level of risk in accordance with California Department of Forestry standards. Fuel reduction can be achieved through a gradual transition from native vegetation into irrigated landscaped/building areas of the project. This fuel reduction program shall also establish parameters for the percent, age, extent, and nature of native plant removal necessary to achieve the accepted fire prevention standards required to protect human lives and property, while preserving as much natural habitat as possible. The property owner or designated assignee shall be responsible for maintenance of any required fuel reduction zones surrounding the proposed project.</p>	<p>Submittal of Fuel Reduction Plan to County.</p>	<p>Prior to approval of subdivision improvement plans or grading permits</p>	<p>San Luis Obispo County, Department of Planning and Building, the CDF/San Luis Obispo County Fire Department and the San Miguel Community Services District.</p>
<p>■ Schools</p>			
<p>JS-1 Prior to tract map recordation, the project applicant shall enter into any required mitigation agreements or developer fee programs required by the San Miguel and Paso Robles Joint Unified School Districts. These agreements shall be based upon the laws and regulations pertaining to school facilities impact mitigation in effect at that time.</p>	<p>Payment of required developer fees.</p>	<p>Prior to tract map recordation</p>	<p>San Luis Obispo County, Department of Planning and Building and the San Miguel School District and Paso Robles Joint Unified School District.</p>
<p>■ Solid Waste</p>			
<p>JW-1 Prior to the issuance of building permits, should any County waste reduction programs for the disposal of construction materials and solid waste exist, the applicant shall agree to adhere to all applicable measures.</p>	<p>Adherence to County waste reduction programs</p>	<p>Prior to the issuance of building permits.</p>	<p>San Luis Obispo County, Department of Planning and Building and Department of Public Works.</p>
<p>JW-2 Prior to the issuance of building permits, a Project Recycling Plan shall be submitted to the <i>San Miguel Community Services District and the County Department of Planning and</i></p>	<p>Submittal of Project Recycling Plan to County.</p>	<p>Prior to the issuance of building permits.</p>	<p>San Luis Obispo County, Department of Planning and Building and</p>

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<p>Building for review and approval in consultation with the County Solid Waste Coordinator indicating methods of minimizing waste generation during project construction and achieve at least a 50% recycling rate for construction wastes. This plan shall include but may not be limited to purchasing practices that will insure that excess construction materials are not delivered to the site, that any materials and packaging that are delivered are recyclable locally and that proper separation of discarded materials (e.g., sheet rock, conduit, metal flashing, corrugated cardboard, scrap lumber, etc.) is conducted. In addition, the Project Recycling Plan shall incorporate the use of recycled materials where possible during all phases of project construction including the use of recycled flooring and roofing materials, glass, plastics, tile, carpet as well as the use of rubberized asphalt, recycled plastic signs, posts, wheel stops, etc. The Project Recycling Plan shall also identify methods of recycling/reuse of "green waste" generated during the operation of the proposed project.</p>			<p>Department of Public Works.</p>
<p>■ Energy</p>			
<p>JE-1 Construction plans will be provided to the Southern California Gas Company and Pacific Gas Company and Electric Company as they become available in order to facilitate engineering, design and construction of improvements necessary to provide natural gas and electrical services to the project site.</p>	<p>Provide construction plans to involved utility providers.</p>	<p>Review and approval of final project plans.</p>	<p>San Luis Obispo County, Department of Planning and Building, Southern California Gas Company and Pacific Gas and Electric Company.</p>
<p>JE-2 The project applicant will comply with guidelines provided by the Southern California Gas Company and Pacific Gas and Electric Company in relation to easement restrictions, construction guidelines, protection of line easements and potential amendments to rights-of-way in the areas of any existing easements.</p>	<p>Comply with easement restrictions.</p>	<p>Review and approval of final project plans and prior to final inspection.</p>	<p>San Luis Obispo County, Department of Planning and Building, Southern California Gas Company and Pacific Gas and Electric Company.</p>
<p>JE-3 Building energy conservation will be achieved through compliance with Title 20 and 24 of the Energy Conservation Code. Title 24, California Administrative Code Section 2-5307(b) is the California Energy Conservation Standard for New Buildings. Title 20, California Administrative Code Sections 1604(f) and 1601(b) are Appliance Efficiency Standards.</p>	<p>Comply with Title 20 and Title 24 of the Energy Conservation Code.</p>	<p>Review and approval of final project plans and prior to final inspection.</p>	<p>San Luis Obispo County, Department of Planning and Building.</p>
<p>JE-4 In order to conserve energy devoted to space heating and air conditioning, active and</p>	<p>Encourage active and passive solar</p>	<p>Review and approval of final</p>	<p>San Luis Obispo County, Department</p>

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passive solar techniques will be encouraged whenever possible. Active solar systems include the use of solar space and hot water heating for buildings and other uses. Passive systems involve orienting building properly, planting trees to take advantage of the sun, providing adequate roof overhangs, making sure that walls are properly insulated and installing simple heat storage systems.	energy techniques.	project plans and prior to final inspection.	of Planning and Building.
■ Communications Systems			
JC-1 Construction plans will be provided to applicable telecommunications companies as they become available in order to facilitate engineering, design and construction of improvements necessary to provide communication systems to the proposed project.	Provision of construction plans to telecommunications companies.	Prior to approval of subdivision improvement plans or grading permits	County of San Luis Obispo, Department of Planning and Building.
JC-2 The project applicant will comply with guidelines provided by applicable telecommunications companies in relation to easement restrictions, construction guidelines, protection of line easements and potential amendments to rights-of-way in the areas of any existing easements.	Compliance with easement restrictions.	Prior to recordation of the final map.	County of San Luis Obispo, Department of Planning and Building.

K. RECREATION

K-1 The project applicant shall pay all applicable Quimby Act and building fees.	Payment of applicable Quimby and building fees.	Prior to the issuance of building permits.	San Luis Obispo County, Department of Planning and Building and Department of General Services, Parks Division.
K-2 Prior to final tract map approval, the applicant shall offer that portion of the proposed Lot 61 east of the 100 year floodplain boundary for open space dedication.	Dedication of a portion of Lot 61 for open space.	Prior to tract map recordation.	San Luis Obispo County, Department of Planning and Building and Department of General Services, Parks Division.
K-3 Prior to final tract map approval or improvement plan approval, the applicant shall offer to dedicate a twenty-five foot wide trail corridor along the eastern portion of the project site extending from the northern to southern property line. This trail corridor will be contiguous to the Salinas River within Lot 61 of the proposed tract and will be located outside of the existing riparian vegetation. The County of San Luis Obispo, Parks Division shall review and approve the location of the trail	Dedication of a twenty-five foot wide trail easement.	Prior to tract map recordation.	San Luis Obispo County, Department of Planning and Building and Department of General Services, Parks Division.

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corridor along the Salinas River <i>prior to final map clearance or improvement plan approvals, whichever occurs first.</i> The trail corridor offer of dedication may be made in fee or by easement and shall be provided with the Final Map.			
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L. TRANSPORTATION/CIRCULATION

L-1	The proposed project will participate in any County Transportation Impact Fee Programs or any other applicable roadway or intersection improvement programs and provide its fair share contribution based upon the extent of project impacts.	Participation in County Transportation Impact Fee Program.	Prior to the issuance of building permits.	San Luis Obispo County, Department of Planning and Building.
L-2	Prior to tract map approval, plans for the proposed primary access to 11 th Street to the north and the secondary, emergency-only access route at the southern site boundary shall be submitted to and reviewed by the County Department of Public Works and by the CDF/County Fire Department in order to insure their adequacy. The applicant will be required to provide all recommended upgrades to the design of these roadways. If determined necessary, the emergency access shall be improved to an all-weather surface.	Submittal of Plans for primary and secondary access routes to County.	Prior to tract map recordation.	San Luis Obispo County, Department of Planning and Building and Department of Public Works and CDF/County Fire Department and Building.
L-3	Prior to tract map approval, plans for both the proposed primary and secondary, emergency-only access routes shall be submitted to and reviewed by the Southern Pacific Railroad in order to insure that any required gates, warning signs, signage or other related safety measures are incorporated into the final design of both proposed access routes.	Submittal of plans for primary and secondary access routes to Railroad.	Prior to tract map recordation.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
L-4	Prior to the issuance of building permits, plans for a sidewalk crossing of the Southern Pacific Railroad tracks at 11 th Street shall be submitted to and reviewed by the Southern Pacific Railroad and the County Department of Public Works. The applicant will be required to provide this sidewalk crossing prior to final inspection or project occupancy, whichever occurs first.	Provision of a sidewalk crossing of railroad tracks at 11 th Street.	Prior to recordation of the final map.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.

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M. WASTEWATER

M-1	All wastewater transmission facilities and other elements of the wastewater infrastructure system will be designed pursuant to County Environmental Health Department, the County Department of Planning and Building and the State of California Regional Water Quality Control Board requirements.	Wastewater treatment in accordance with County and Regional Water Quality Control Board requirements.	Review and approval of final project plans.	San Luis Obispo County, Department of Planning and Building and the San Miguel Community Services District.
M-2	The proposed project shall contribute its pro-rata share for the costs of any off-site wastewater treatment and reclaimed water production facilities or wastewater transmission lines necessary to treat project-generated wastewater from the proposed project.	Contribution of funds for share of costs for wastewater treatment and reclamation.	Prior to the issuance of building permits.	San Luis Obispo County, Department of Planning and Building and the San Miguel Community Services District.

N. WATER

N-1	Reclaimed water shall be used for dust control and other construction-related purposes during project construction.	Use of reclaimed water during project grading and construction.	During project grading and construction.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
N-2	All potable water facilities and other elements of the infrastructure system will be designed pursuant to County requirements.	Water facilities designed pursuant to County requirements.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
N-3	In accordance with the Uniform Plumbing Code, ultra low-flow toilets (1.6 gallons per flush) shall be installed within the proposed project. Low-flow shower heads (2.0 gallons per minute) shall also be utilized.	Provision of low-flow toilets and shower heads.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
N-4	All appliances installed within the proposed project shall be water conserving models, including but not limited to, dishwashers.	Installation of water conserving appliances.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
N-5	The proposed project shall, where possible, utilize efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots.	Utilization of efficient irrigation systems.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.
N-6	The proposed project shall contribute its pro-rata share for the costs of any new off-site	Contribution of funds for share of	Prior to the issuance of	San Luis Obispo County, Department

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	wells, pump stations, transmission lines, reservoir(s) and water mains necessary to meet the additional water demands of the proposed project.	costs for off-site water facilities.	building permits.	of Planning and Building and the San Miguel Community Services District.
N-7	All landscape plans shall reflect the following water conservation methods: landscape with low water consuming plants; group plants with similar irrigation requirements to reduce over-irrigation; use of mulch in order to improve the water holding capacity of the soil by reducing evaporation and soil compaction and install efficient irrigation systems that minimize runoff and evaporation and maximize the amount of water that will reach the plant roots. Drip irrigation, soil moisture sensor and automatic irrigation systems also represent methods of increasing irrigation efficiency.	Use of water conservation methods in project landscaping.	Review and approval of final project plans and prior to final inspection.	San Luis Obispo County, Department of Planning and Building and Department of Public Works.

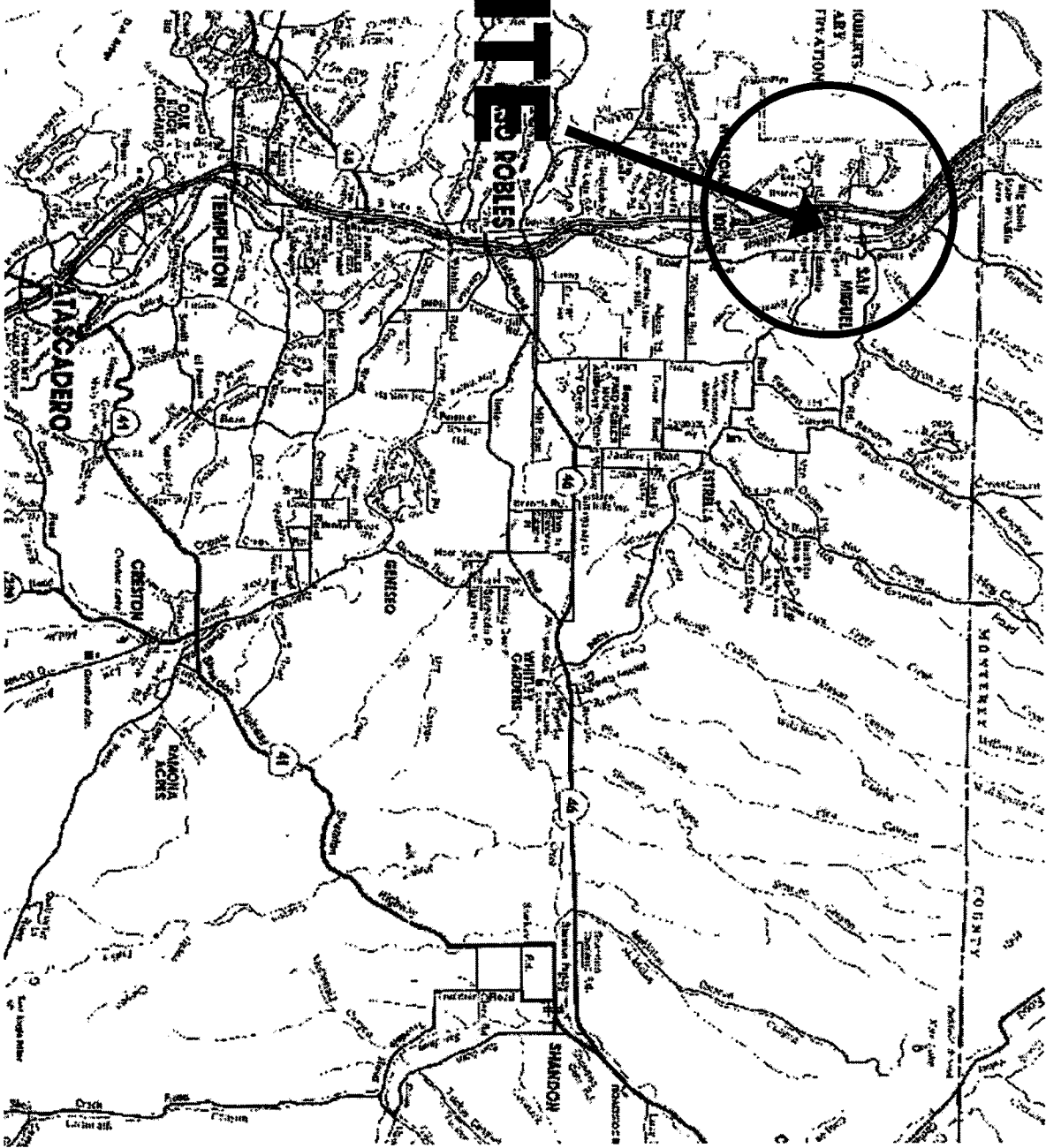
O. LAND USE AND PLANNING

O-1	Prior to tract map recordation, the project applicant shall insure compliance with the 60 dwelling unit density limitation placed on the project site by the County Land Use Ordinance either through the removal of the existing on-site residence or through the submittal of a revised tract map which eliminates a single lot from the proposed subdivision.	Insure compliance with 60 dwelling unit limitation.	Prior to approval of subdivision improvement plans or grading permits.	San Luis Obispo County, Department of Planning and Building.
O-2	Prior to tract map recordation, the project applicant shall insure compliance with the Subdivision Map Act requirements relative to the proposed creation of remainder parcels through the redesignation of one of the proposed remainder parcels as either a residential or open space lot.	Insure compliance with Subdivision Map Act regarding remainder parcels.	Prior to approval of subdivision improvement plans or grading permits.	San Luis Obispo County, Department of Planning and Building.
O-3	Prior to tract map recordation, the proposed vesting tentative tract map shall be revised to provide an offer of dedication to the public of access easements from both the north and south to the parcel under separate ownership located on western site boundary.	Dedication of access easements to parcel on the west of site.	Prior to approval of subdivision improvement plans or grading permits.	San Luis Obispo County, Department of Planning and Building.

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SITE

PROJECT

Tract Map

Mission Gardens S030011T TR 2527

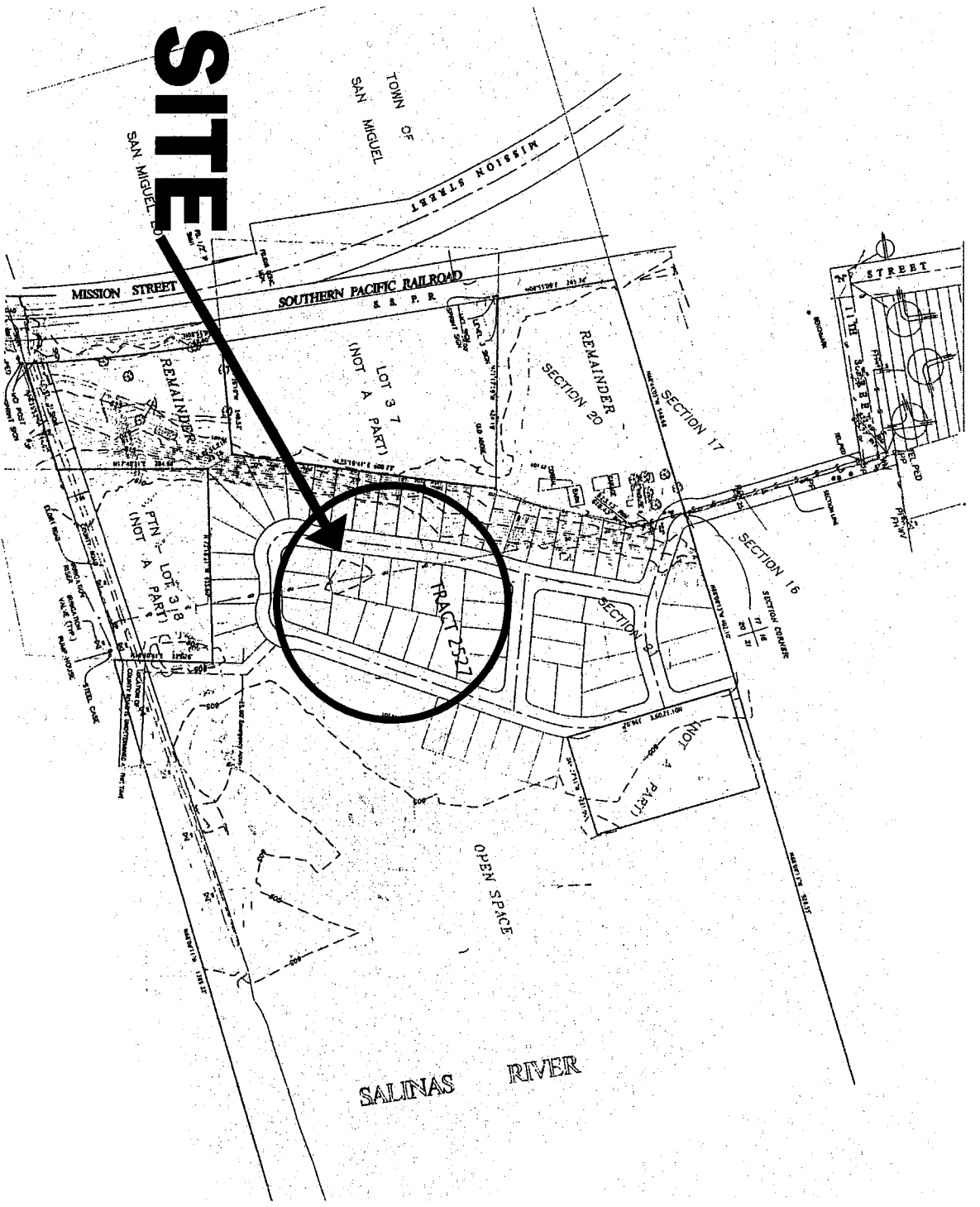
EXHIBIT

Vicinity Map



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SITE

PROJECT

Tract Map
Mission Gardens S030011T TR 2527

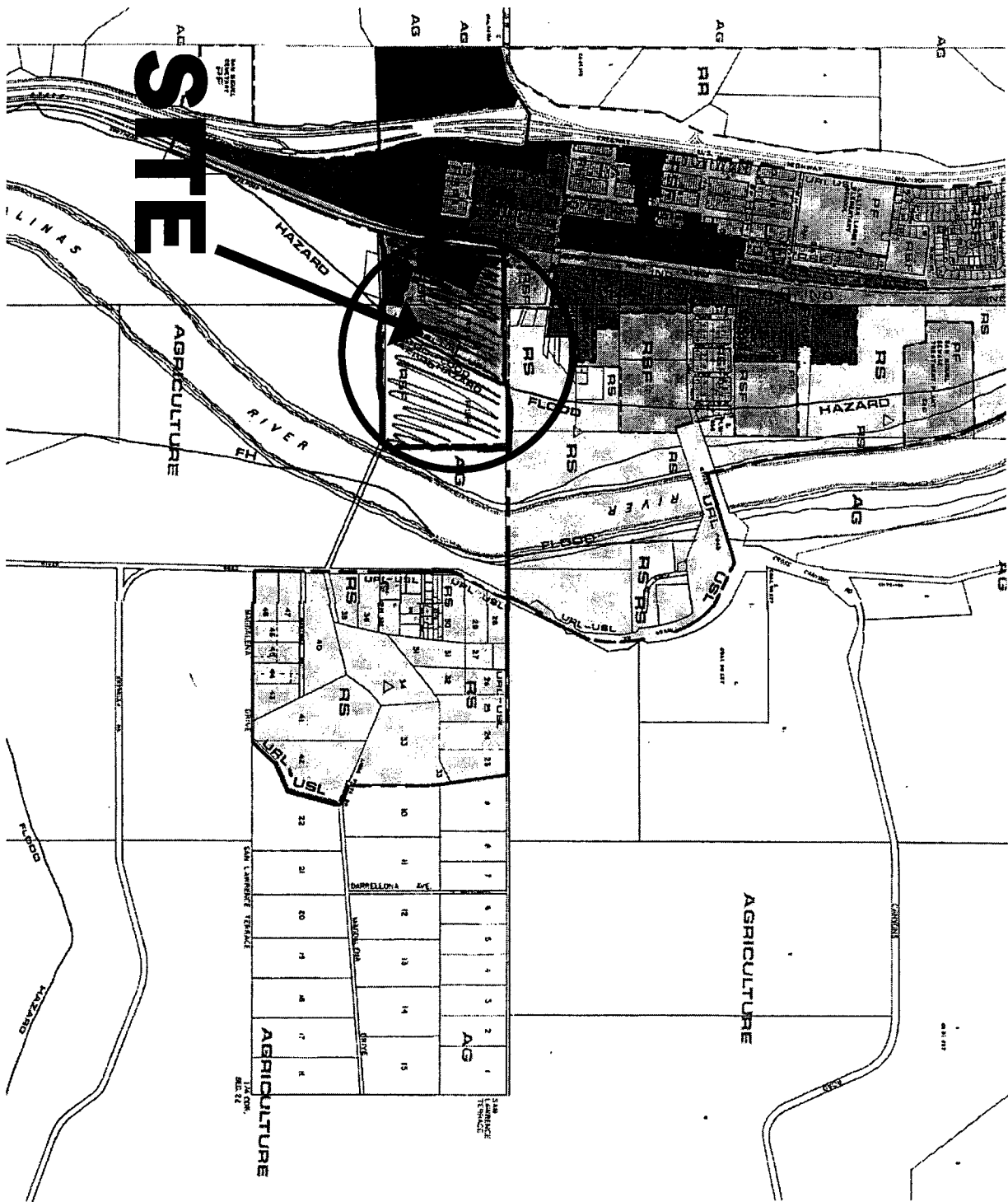


EXHIBIT

Vicinity of Site

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Site



PROJECT

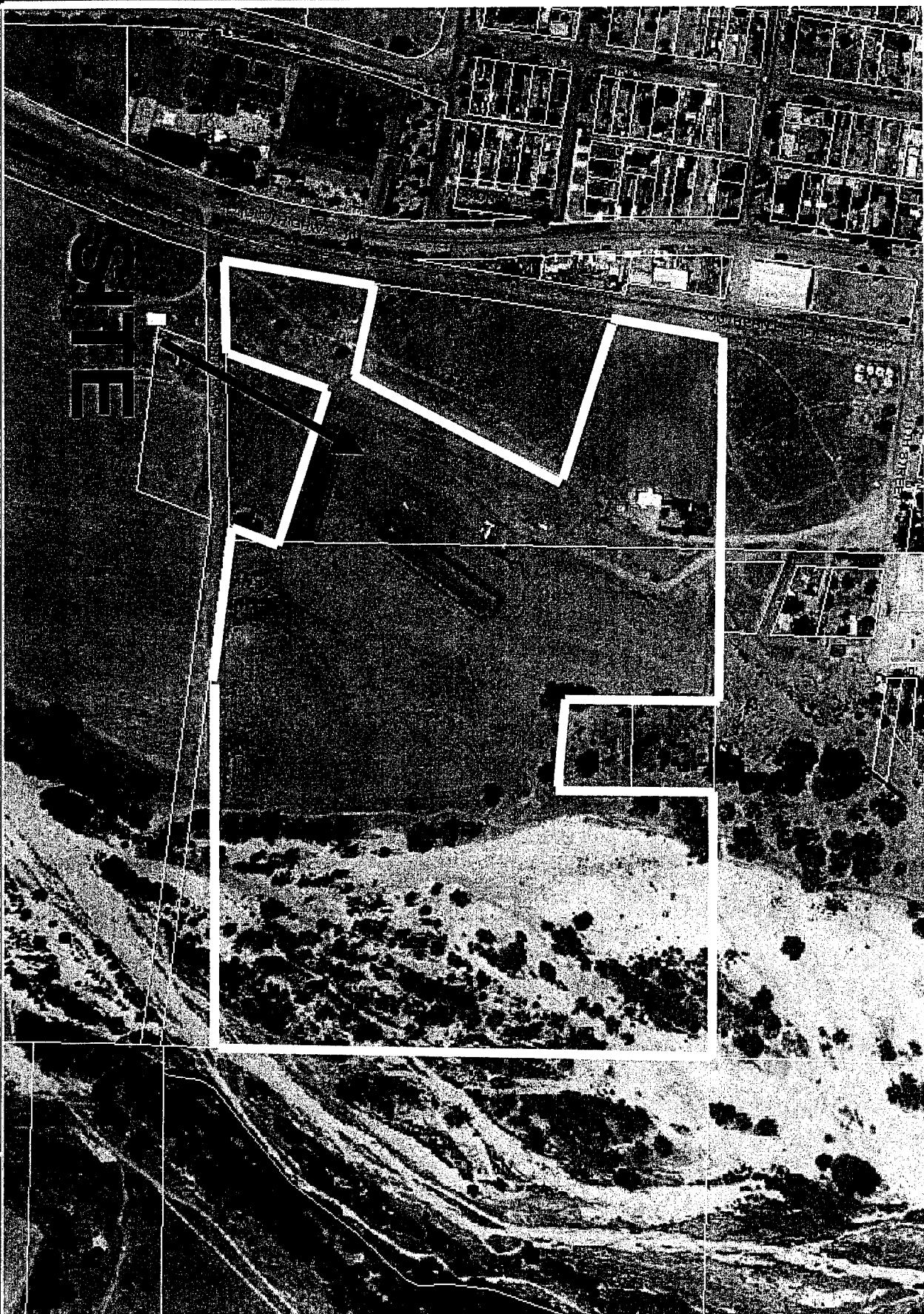
Tract Map
Mission Gardens S030011T TR 2527



EXHIBIT

Land Use Category Map

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PROJECT

Tract Map
Mission Gardens S030011T TR 2527

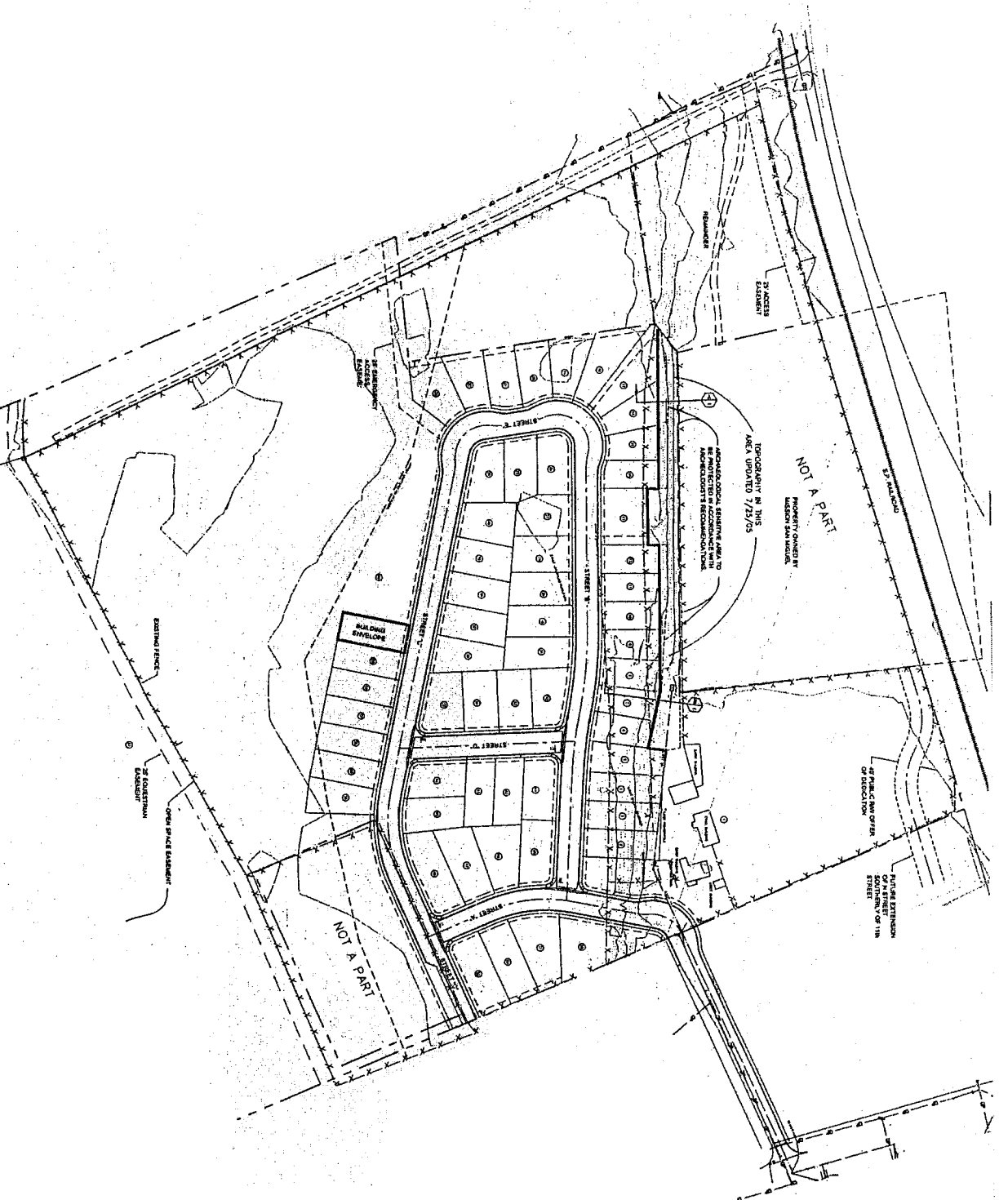


EXHIBIT

Aerial Photograph

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PROJECT

Tract Map

Mission Gardens S030011T TR 2527

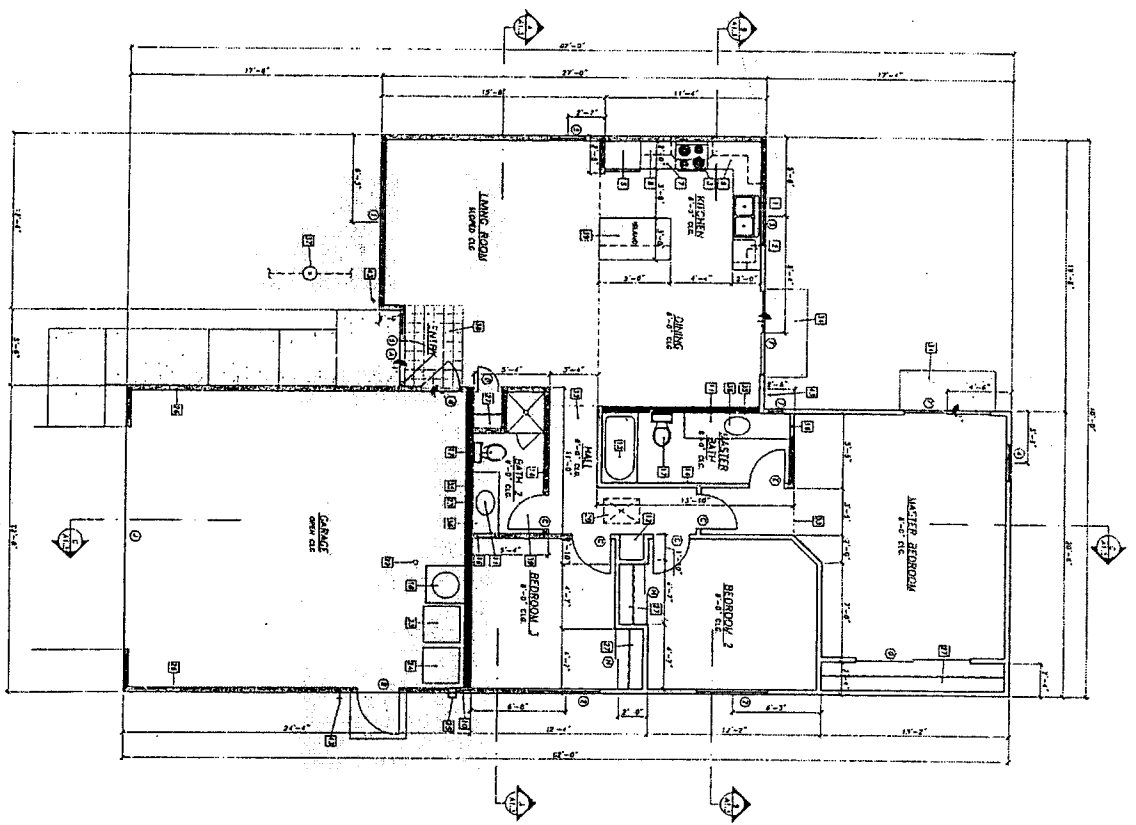


EXHIBIT

Site Plan

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PROJECT

Tract Map
Mission Gardens S030011T TR 2527

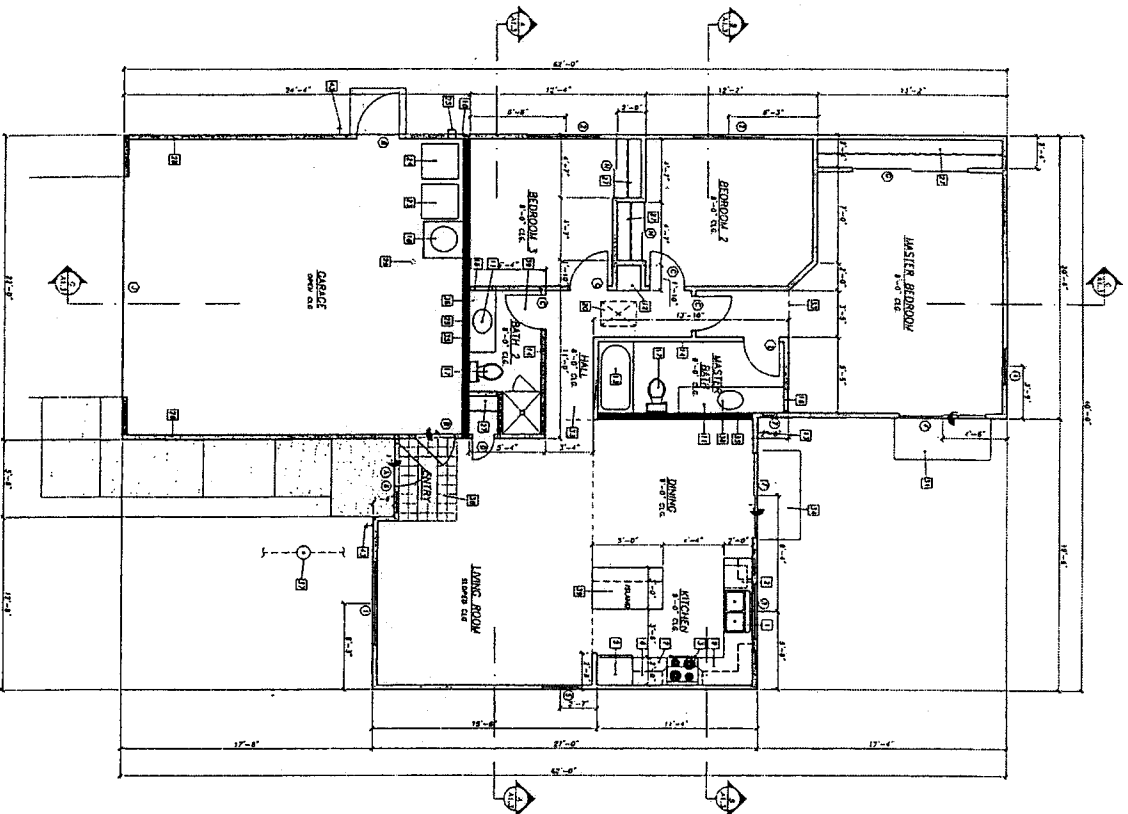
EXHIBIT

Floor Plan 1



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011-9



PROJECT

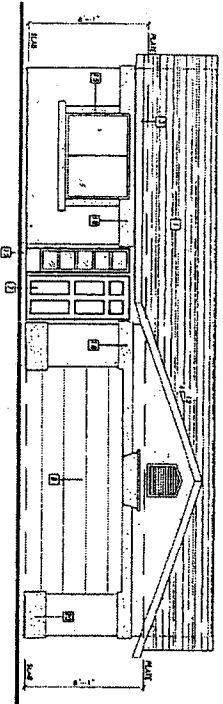
Tract Map

Mission Gardens S030011T TR 2527

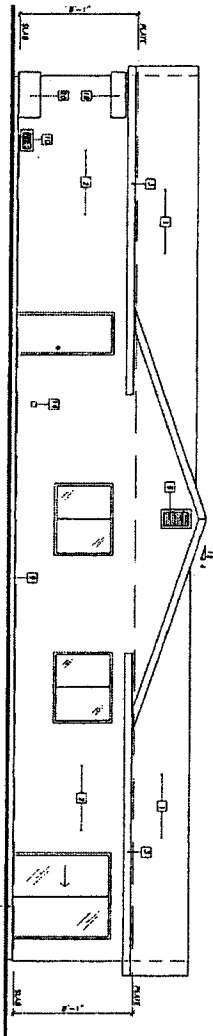


EXHIBIT

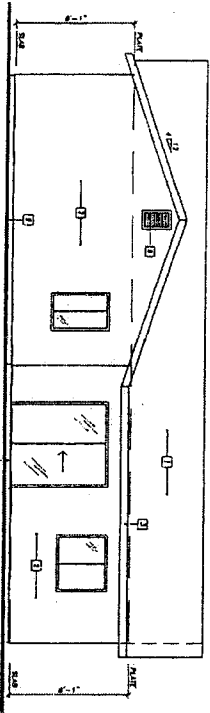
Floor Plan 1R



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

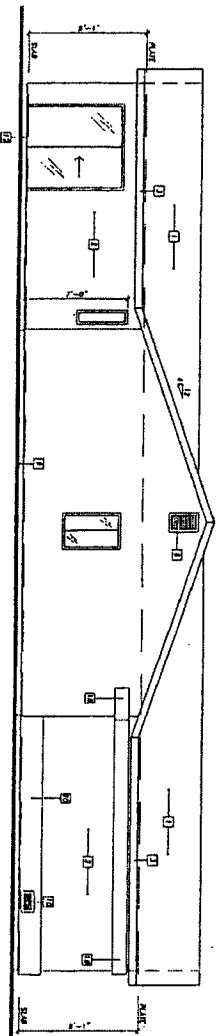


RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

VENTILATION
ATTIC AREA AT HOUSE: 1296 S.F.
REQUIRED VENTILATION: AT 1/300 = 4.32 S.F.
PROVIDED VENTILATION: 4.32 S.F.
BALANCE S.F. SHALL BE PROVIDED AT THE EAVE



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT

Tract Map
Mission Gardens S030011T TR 2527

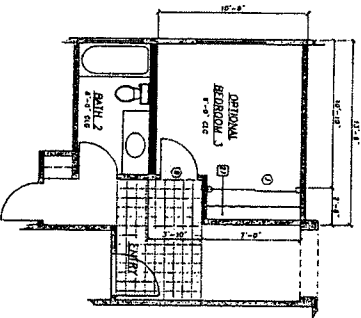
EXHIBIT

Elevation of Floor Plan 1

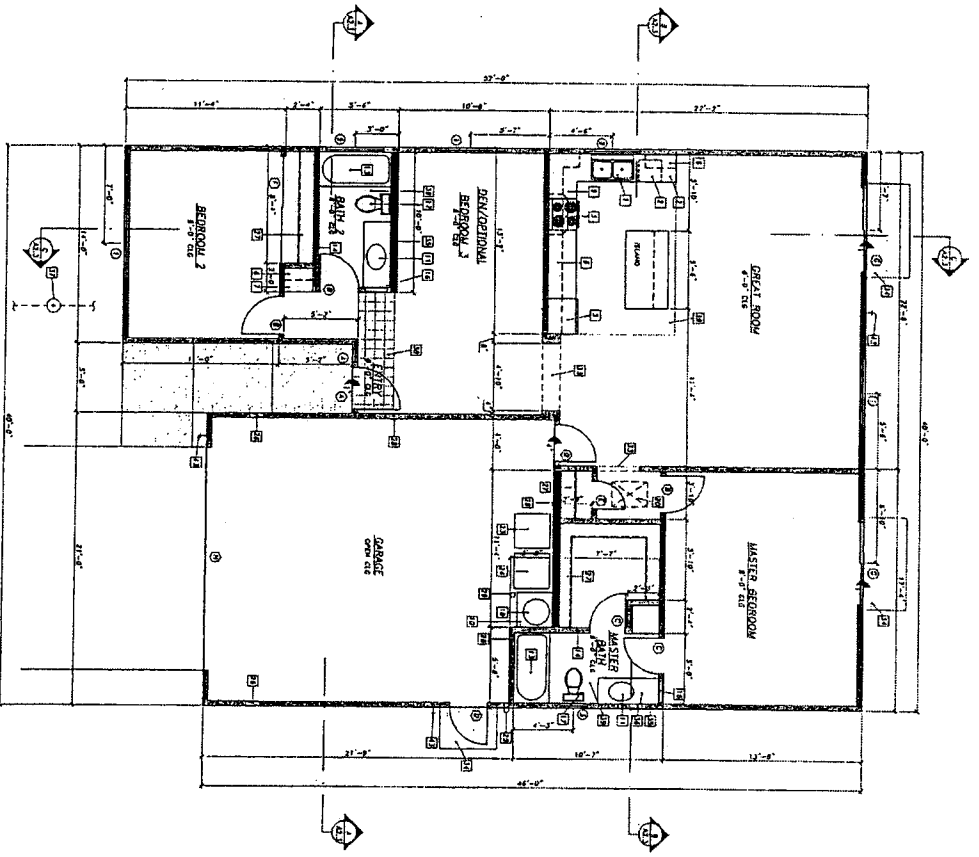


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OPTIONAL BEDROOM 3
SCALE: 1/4" = 1'-0"



PROJECT

Tract Map

Mission Gardens S030011T TR 2527

EXHIBIT

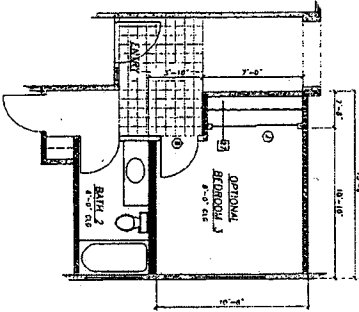
Floor Plan 2



Handwritten signature or initials in the bottom right corner of the page.

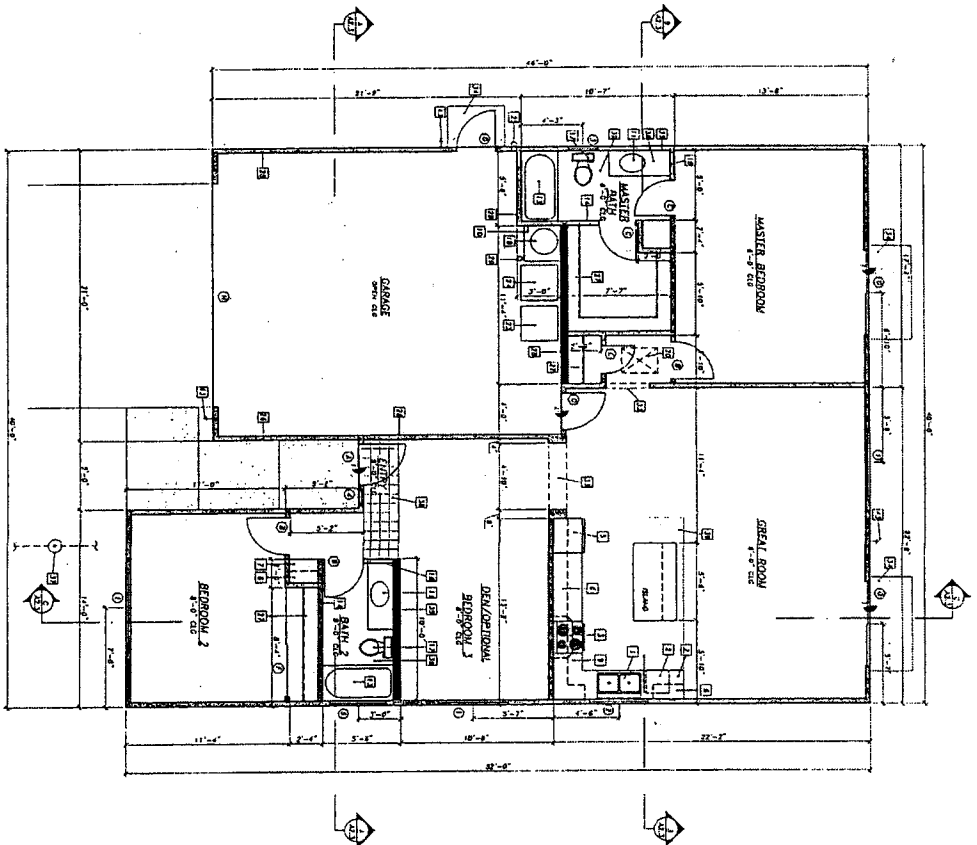
6-113

File



OPTIONAL BEDROOM 3

SCALE: 1/4" = 1'-0"



PROJECT

Tract Map

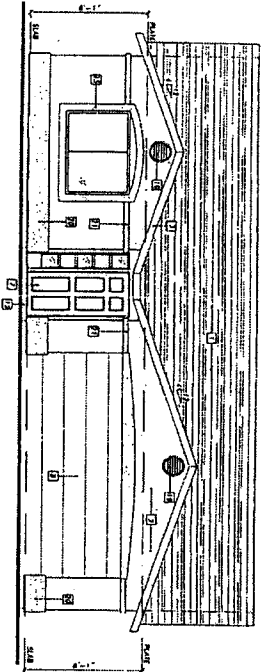
Mission Gardens S030011T TR 2527

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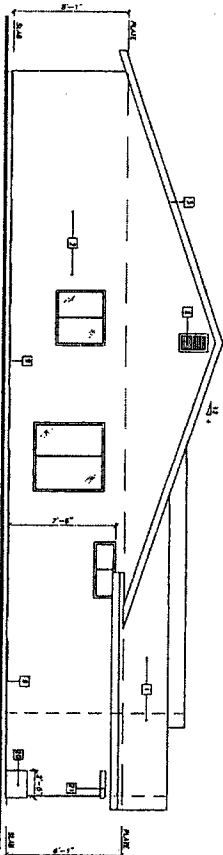
Floor Plan 2R



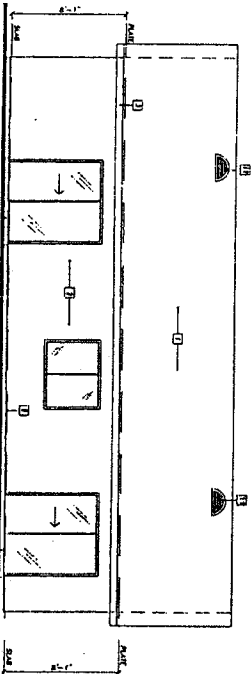
6-114



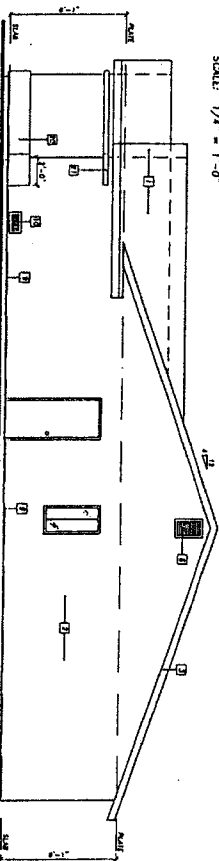
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

VENTILATION
ATTIC AREA AT HOUSE: 1271 S.F.
REQUIRED VENTILATION: AT 1/200 = 7.14 S.F.
PROVIDED VENTILATION: 4.74 S.F. PROVIDED 3" MIN. ABOVE THE EAVE
BROUWER S.F. SHALL BE PROVIDED AT THE EAVE

PROJECT

Tract Map
Mission Gardens S030011T TR 2527

EXHIBIT

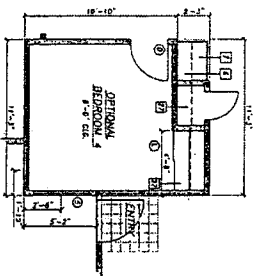
Elevation of Floor Plan 2



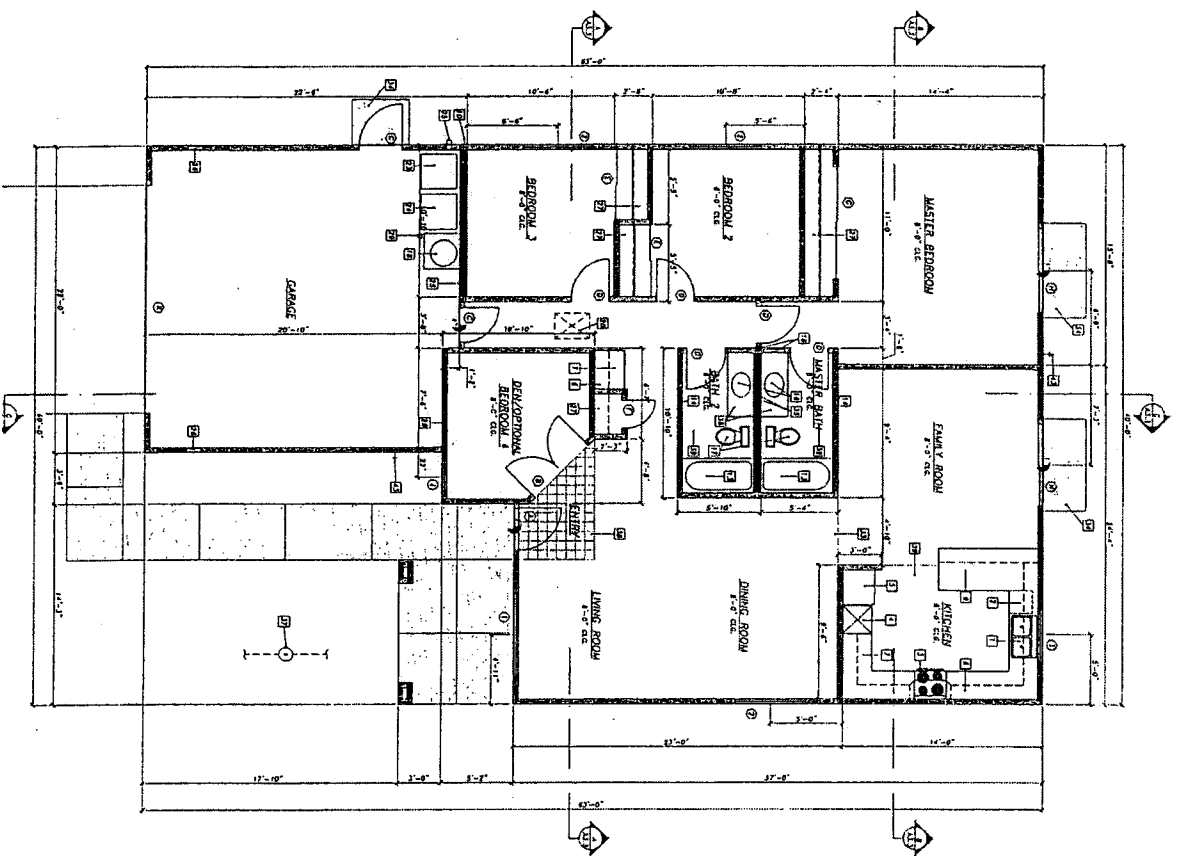
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2025



OPTIONAL BEDROOM 4
SCALE: 1/4" = 1'-0"



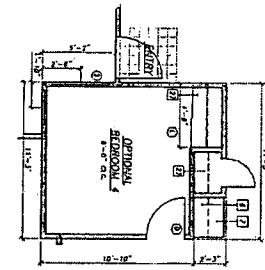
PROJECT

Tract Map
Mission Gardens S030011T TR 2527

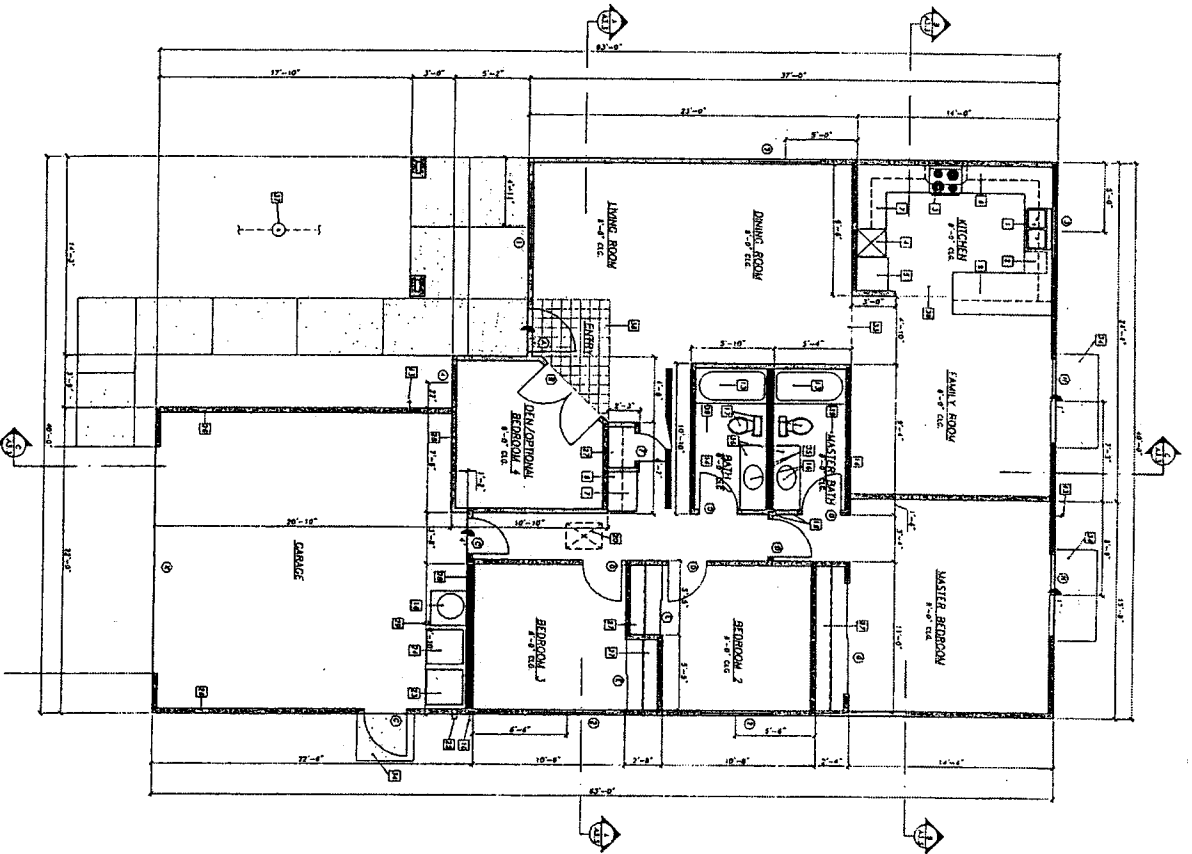
EXHIBIT

Floor Plan 3





OPTIONAL BEDROOM 4
SCALE: 1/4" = 1'-0"



PROJECT

Tract Map

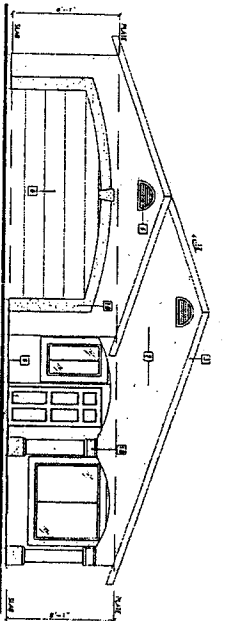
Mission Gardens S030011T TR 2527

EXHIBIT

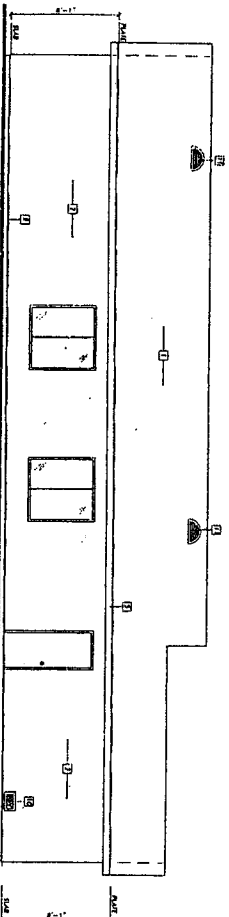
Floor Plan 3R



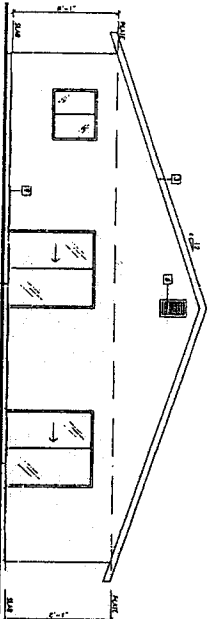
6-116



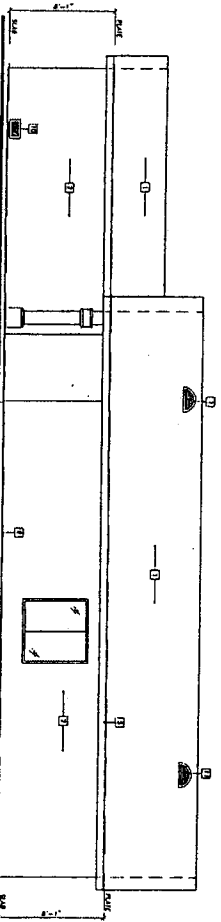
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

VENTILATION
ATRIC AREA AT HOUSE: 1394 S.F.
REQUIRED VENTILATION: AT 1/250 = 714 S.F.
PROVIDED VENTILATION: 511 S.F. ABOVE THE GIVE
BLADE S.F. SHALL BE PROVIDED AT THE GIVE

PROJECT

Tract Map
Mission Gardens S030011T TR 2527



EXHIBIT

Elevation of Floor Plan 3

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